

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 07/14/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 05/15/2003.

TITLE: American Fisheries Act: Recordkeeping and Reporting Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0401

EXPIRATION DATE: 07/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	1,365	888	0
New	1,373	1,024	1
Difference	8	136	1
Program Change		0	1
Adjustment		136	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
AMERICAN FISHERIES ACT RECORDKEEPING AND REPORTING
OMB NO. 0648-0401**

INTRODUCTION

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under the Fishery Management Plans (FMPs) for groundfish in the respective areas under the authority of the Magnuson-Stevens Fishery Management and Conservation Act, 16 U.S.C. 1801 *et seq.*, (Magnuson-Stevens Act) Regulations implementing the FMPs appear at 50 CFR part 679.

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

On October 21, 1998, the President signed into law The American Fisheries Act (AFA) which imposed major structural changes on the BSAI pollock fishery. The purpose of the AFA was to tighten U.S. ownership standards that had been exploited under the Antireflagging Act, and to provide the BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner while protecting non-AFA participants in the other fisheries. The AFA also affected the management of other groundfish, crab, and scallop fisheries off Alaska.

Much of the monitoring and enforcement burden is placed on participating AFA cooperatives and their members, which allows NMFS to manage the pollock fishery more precisely. Monitoring their own catch, vessels are able to individually (and in aggregate) come very close to harvesting exactly the amount of pollock they were allocated.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

AFA Cooperatives

The AFA authorizes eligible vessels and processors to form cooperatives in all sectors of the BSAI pollock fishery. Inshore cooperatives that meet the criteria are eligible to receive an inshore cooperative fishing permit (see OMB 0648-0393) authorizing the member vessels in the cooperative to harvest a specific allocation of the BSAI pollock TAC. The members of the cooperative may decide among themselves how to share the allocation made to that cooperative. While not an individual fishing quota (IFQ) program per se, the inshore cooperative quota program established by the AFA does share many characteristics with traditional IFQ programs in terms of how the program operates. In effect, fishery cooperatives are privately operated IFQ

programs under which the cooperative, rather than NMFS, makes individual allocations to member vessels.

a. Annual preliminary and final reports

All cooperatives are required to submit one copy each of preliminary and final annual reports, ready for duplication, to the Council for distribution to the public upon request. The purpose of this report requirement is to assist the Council and NMFS in meeting the requirements of paragraph 210(a)(1) of the AFA, which requires that NMFS make such information available to the public.

Information collection for these reports occurs all through the year by each cooperative, who summarize information on its allocated target species. A private company performs parallel accounting of “sideboard” species similar to that done by NMFS Alaska Region for each cooperative. This private concern spends approximately one day to summarize the annual data for each cooperative. Another summary of each cooperative’s target species and sideboard information is done by a private concern who maintains comparable analyses of cooperatives compared with each other in order to keep any one and all cooperatives from overfishing.

Each cooperative is required to submit a preliminary report prior to the December Council meeting each year. The Council makes decisions on co-op allocations and on sideboard protection measures on an annual basis at the December Council meeting, allowing the public to comment on what additional regulatory measures might be needed to constrain the AFA fleet in other fisheries.

A final report is required prior to the February Council meeting. The final report may just be the preliminary report with a title change or it may incorporate additional material.

Preliminary and final written reports must include

The cooperative's allocated catch of pollock and sideboard species, and any sub-allocations of pollock and sideboard species made by the cooperative to individual vessels on a vessel-by-vessel basis

The cooperative's actual retained and discarded catch of pollock, sideboard species, and PSC on an area-by-area and vessel-by-vessel basis

A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated

A description of any actions taken by the cooperative in response to vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries (rev)

The total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis (new)

Cooperative preliminary report, Respondent	
Total annual responses	11
Estimated hours per response	20
Total burden hours	220
Personnel cost per hour	\$25
Total personnel cost	\$5,500
Annual postage (1.11 x 11=12.21)	\$13
Annual photocopy (10 pg x .10 x 11)	\$11
Total miscellaneous cost	\$24

Cooperative preliminary report, Federal Government	
Total annual responses	11
Estimated hours per response	0.5
Total burden hours	5.5
Personnel cost per hour	\$25
Total personnel cost (5.5 x \$25 = \$137.50)	\$138
Photocopy 2 copies for public (10 pg x .10 x 11)	\$11
Total miscellaneous cost	\$11

Cooperative final report, Respondent	
Total annual responses	11
Estimated hours per response	8
Total burden hours	88
Personnel cost per hour	\$25
Total personnel cost	\$2,200
Annual postage (1.11 x 11=\$12.21)	\$13
Annual photocopy (10 pg x .10 x 11=\$2)	\$2
Total miscellaneous costs	\$15

Cooperative final report, Federal Government	
Total annual responses	11
Estimated hours per response	0.5
Total burden hours	5.5
Personnel cost per hour	\$25
Total personnel cost (5.5 x \$25 = \$137.50)	\$138
Photocopy 2 copies for public (10 pg x .10 x 11)	\$11
Total miscellaneous cost	\$11

b. Non-member vessel contract fishing application (new)

A cooperative that wishes to contract with a non-member vessel to harvest a portion of the cooperative's annual pollock allocation, prior to the start of fishing under the contract, must submit a completed contract fishing application to the Alaska Region, NMFS. Only AFA catcher vessels with an inshore fishing endorsement that are members of an inshore cooperative may conduct contract fishing on behalf of another inshore cooperative. The form may be sent as an attachment to an e-mail or by FAX.

This form is used as a worksheet to assist co-ops understand how their catch is accounted, and also a head's up for NMFS inseason management to make them aware that some vessels might be reporting with an alternative co-op ID. This worksheet would also be the crucial record in the event that there is ever a dispute between co-ops as to how fish should be accounted – in the event of an illegal overage, for example.

Non-member vessel contract fishing application (new)

Name of the cooperative(s).

Name(s) and signature(s) of the cooperative designated representative

Name and AFA permit number of the contracted vessel

Name(s) and signature(s) of the owner of the contracted vessel.

Completed harvest schedule showing how all catch and any overages by the contracted vessel will be allocated between the contracting cooperative (or cooperatives) and the contract vessel's home cooperative. In the event that multiple cooperatives are jointly contracting with a non-member vessel, the harvest schedule must clearly specify how all catch and any overages will be allocated among the various cooperatives.

Notification of AFA inshore processor

A cooperative that has contracted with a non-member vessel to harvest a portion of its inshore pollock allocation, prior to the start of fishing under the contract, must inform the AFA inshore processor(s) of the impending delivery of pollock by the vessel.

Non-member vessel contract fishing application, Respondent	
Total annual responses	8
Estimated hours per response	30 min
Total response hours (8 x 30 min = 240/60 = 4 hr)	4 hr
FAX cost (6 pages x \$6 x 8)	\$288
Personnel cost per hour	\$25
Total personnel cost	\$100
Total miscellaneous cost	\$288

Non-member vessel contract fishing application, Federal Government	
Total annual responses	8
Estimated hours per response	15 min
Total response hours (8 x 15 = 120/60 = 2)	2 hr
Personnel cost per hour	\$25
Total personnel cost	\$50

c. Shoreside Processor Electronic Logbook Report (SPELR)

In order to make timely management decisions on closures, NMFS requires shoreside processors and stationary floating processors to use SPELR to provide catcher vessel delivery information describing daily harvests of pollock and sideboard species on a vessel-by-vessel basis. The SPELR software provided by NMFS has automatic features that allow the users to effect file transfer by computer modem to the NMFS communication server, or file transfer can occur as an attachment to an e-mail message.

The detailed, electronic information coming directly to NMFS negates the need for a weekly production report (WPR) or daily production report (DPR), thus decreasing the recordkeeping and reporting burden of those processors using it. A dated return-receipt is generated and sent by NMFS to the processor, confirming receipt and acceptance of the electronic report. Processors must retain the return receipt as proof of report submission.

An AFA inshore processor that receives pollock harvested by a vessel under contract to a cooperative must report the delivery to NMFS through SPELR, using the cooperative code for the contracting cooperative rather than the cooperative code of the vessel's home cooperative.

Information entered once (at software installation) or whenever it changes

Shoreside processor name
ADF&G processor code (Alaska State intent-to-operate number)
Federal processor permit number
Processor e-mail address
State port code
Name, telephone and FAX numbers of representative

Information entered automatically by computer

Date
Last sent date
Last modified date and time
Date report printed
Species name (translated from species code)
Totals of species weights
Totals of species numbers
Total daily production (in lb)
Total daily production by BSAI and GOA (in lb)
Federal reporting area (translated from ADF&G statistical area)
Product description (translated from product code)
BSAI and GOA product division (translated from ADF&G statistical area and Federal reporting area)
Alpha gear code (translated from numerical gear code)

Information entered daily

Indicate if no deliveries or no production
Number of observers on site
Whether harvested in BSAI or GOA
Production
 Product by species code and product code
 Whether product is primary, ancillary, or reprocessed/rehandled
 Product weight (in lb or mt).

Information entered for each delivery

Date fishing began
Delivery date
Catcher vessel name and ADF&G number;
Whether delivery is from a buying station; if yes
 Type: vessel, vehicle, or other
 Name of buying station
 Date received by buying station.
 If a vessel, ADF&G number
 If a vehicle, license plate number]
 If other, description
Whether a discard DFL was received from catcher vessel
If discard DFL not received, reason given
ADF&G fish ticket number of delivery
Management program name (whether CDQ, research program,
 experimental fishery, IFQ, or AFA co-op) and identifying number
Gear type of harvester
Landings
 Landed species by species code and product code
 Weight (in pounds or mt) for each species of each delivery
Discard or disposition species by species code and product code

Weight (in pounds or mt) of groundfish, or PSC herring; or
Count (in numbers of animals) of PSC halibut, salmon, or crab
If a CDQ delivery, count of PSQ halibut
ADF&G statistical area(s) where fishing occurred
Estimated percentage of total delivered weight corresponding to each area

The processor is required to daily generate and retain printed output of the SPELR onsite consisting of a Shoreside Logbook Daily Production Report and a Delivery Worksheet. These standard-format printouts are generated by hitting the PRINT button on the computer. The purpose of these printouts is to allow observers and enforcement agents the ability to review and audit deliveries and production without logging onto the company's computer. The printed copies represent permanent copies of records required by regulations to be maintained onsite throughout the fishing year and for 3 years after the end of the current fishing year. The SPELR generates two report formats from the daily entered information.

(1) Shoreside Logbook Daily Production Report

Processor name
Federal processor permit number
ADF&G processor code
Date
Last sent date
Last modified date
Number of observers on site
Indicate if no production and/or no deliveries
BSAI and GOA Products by species code and product code
Whether product is primary, ancillary, or reprocessed/rehandled
Product weight in pounds

(2) Delivery Worksheet

Name of processor
Management Program Name
ADF&G fish ticket number(s)
Catcher vessel name (optional) and ADF&G vessel registration number
Date fishing began
Delivery date
Gear type of harvester
Landed species by species name and code and product code
Weight (in lb) of each species landed in each delivery
ADF&G Statistical area number and percentage of total delivered weight in each statistical area
Federal reporting area
Discard/disposition species by species name and code and product code
Weight of each discard/disposition species (in lb) if groundfish or PSC herring
Number (count) of each discard/disposition species if PSC halibut, salmon, or crab

Shoreside processor electronic logbook, Respondent	
Number of respondents	15
Number responses per respondent	80
Total annual responses	1,200
Daily estimated hours per response	35 min
complete & print reports (30 min)	
electronically submit (5 min)	
Total response hours (1,200 x 35 min = 42,000/60 = 700)	700 hr
Personnel cost per hour	\$25
Total personnel cost	\$17,500
Total miscellaneous costs (2 binders for daily reports (\$5 x 2 x 15))	\$150

Shoreside processor electronic logbook, Federal Government	
Number of respondents	15
Number responses per respondent	80
Total annual responses	1,200
Daily estimated hours per response	15 min
complete & print reports (30 min)	
electronically submit (5 min)	
Total response hours (1,200 x 15 min = 18,000/60 = 300)	300 hr
Personnel cost per hour	\$25
Total personnel cost	\$7,500

d. Inshore Catcher Vessel Cooperative Pollock Catch Report.

The designated representative or cooperative manager of each inshore catcher vessel cooperative must submit catch reports detailing each delivery of pollock harvested under the allocation made to that cooperative within one week of the date of delivery. This information is necessary so that NMFS may monitor cooperative fishing activity and enforce pollock allocations. Submittal of the catch report may be made as an attachment to an e-mail or by FAX.

No form exists for this report, but the participants must submit the following data elements.

- Co-op account number
- Catcher vessel ADF&G number
- Inshore processor Federal processor permit number
- Delivery date
- Amount of pollock (in lb) delivered plus weight of at-sea discards
- ADF&G fish ticket number

Cooperative pollock catch report, Respondent	
Number of respondents	11
Number responses per respondent	12
Total annual responses	132
Estimated hours per response	5 min
Total response hours (132 x 5 min =660 min/60 = 11 hr)	11 hr
Personnel cost per hour	\$25
Total personnel cost	\$275
FAX by 20% of participants (132 x .20 x \$6 = \$158.40))	\$158
Total miscellaneous cost	\$158

Cooperative pollock catch report, Federal Government	
Number of respondents	11
Number responses per respondent	12
Total annual responses	132
Estimated hours per response	5 min
Total response hours (132 x 5 min =660 min/60 = 11 hr)	11 hr
Personnel cost per hour	\$25
Total personnel cost	\$275

e. Agent for Service of Process (new)

Each cooperative must appoint an agent who is authorized to receive and respond to any legal process issued in the United States with respect to all owners and operators of vessels that are members of the cooperative. This agent may be the same person as the designated representative (see OMB No. 0648-0393). No form exists for this report, but the cooperative must submit to NMFS the name, address and telephone number of the appointed agent. This information may be submitted by e-mail.

Agent for Service of Process, Respondent	
Number of respondents	11
Number responses per respondent	1
Total annual responses	11
Estimated hours per response	5 min
Total response hours (11 x 5 min =55 min = 1 hr)	1 hr
Personnel cost per hour	\$25
Total personnel cost	\$25

Agent for Service of Process, Federal Government	
Number of respondents	11
Number responses per respondent	1
Total annual responses	11
Estimated hours per response	5 min
Total response hours	1 hr
Personnel cost per hour	\$25
Total personnel cost	\$25

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

NMFS monitors daily harvests of pollock and sideboard species on a vessel-by-vessel basis through daily electronic submittal of SPELR reports in order to make timely management decisions on pollock closures and sideboard species closures. The shoreside processor electronic logbook report is designed to provide NMFS with the detailed information needed to manage fisheries under the AFA while reducing the recordkeeping and reporting burden on industry. Shoreside processor electronic logbook software to record and submit this information may be obtained free of charge from NMFS Alaska Region (see <http://www.fakr.noaa.gov>).

A report may be submitted to NMFS as an attachment as an e-mail rather than submitted by FAX when submitting the following forms: Agent for Service of Process, Inshore Catcher Vessel Cooperative Pollock Catch Report, and Non-member vessel contract fishing application.

4. Describe efforts to identify duplication.

The operational guidelines of the Magnuson-Stevens Act require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. The Council membership is comprised of state and Federal officials responsible for resource management in their areas. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection-of-information does not impose a significant impact on small entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information were not collected, NMFS would be unable to implement the socioeconomic goals and objectives of the AFA, the Magnuson-Stevens Act, and the FMPs. It is necessary to collect the information daily in order to ensure timely management of the pollock fishery under those goals and objectives.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances exist.

8. Provide a copy of the PRA *Federal Register* notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Public comment or consultation on the information collection.

A *Federal Register* notice (copy attached) solicited public comment and no comments were received.

The following persons were consulted to obtain comments on this collection of information, e.g., the frequency of collection, the amount of burden:

Karl Haflinger, SeaState	(206) 463-7370
John Gruver, United Catcher Boats	(206) 282-2599
Joe Sullivan, Mundt MacGregor	(206) 624-5950

9. Payment or gift to respondents.

No payment or gift is provided under this program.

10. Assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

The Privacy Act does not apply to this collection-of-information. The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

11. Collection of information of a private and sensitive nature.

This information collection does not involve information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The total burden is 1,024 hours, increasing by 136 hours. Total personnel costs are \$25,600.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Total miscellaneous costs are \$635 up from \$140, increasing by \$495. Miscellaneous costs associated with the collection of information include postage, copying, FAX submittal, and a binder.

14. Provide estimates of annualized cost to the Federal government.

Total burden is 325 hr. Total personnel cost is \$8,126. Total miscellaneous cost is \$22.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This collection is presented for renewal. In addition, this collection-of-information contains some adjustments.

- o A requirement is added to accommodate non-member catcher vessel activity on behalf of one or more cooperatives.

- o A requirement is added for each cooperative to enlist an agent of service.

- o The “cooperative contract submittal to Council & NMFS” is removed, because it duplicates an AFA requirement found in OMB No. 0648-0393.

- o The postage costs for mailing a copy of each of the preliminary and final reports (see 2a and 2b) are increased from \$0.37 to \$1.11 and corrected to remove a multiplier of 2.

- o The estimated time burden for creating a preliminary report is corrected from 8 hr to 20 hr.

- o FAX costs are added to submit the description of a contracted catcher vessel

- o Personnel costs are increased from \$20 to \$25 per hour, reflecting average wage equivalent to a GS-7 employee in Alaska, including COLA.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results of this collection-of-information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

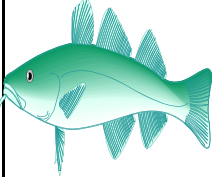

In accordance with OMB requirements, the control number and expiration date of OMB approval are shown on all forms associated with this program. The OMB number and expiration date are displayed on the opening screen of the electronic logbook system.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement exist.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

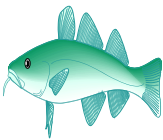
 <p style="text-align: center;">Application for AMERICAN FISHERIES ACT (AFA) Non-member catcher vessel contract fishing</p>	<p>United States Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service, Alaska Region P.O. Box 21668 Juneau, Alaska 99802-1668</p> 
1. Name of Cooperative	2. Name of Cooperative Representative
3. Name of Non-member Contracted Catcher Vessel	
4. Printed name and Signature of Contracted Vessel Owner	
<p>5. Harvest schedule. Show how all catch and any overages by the contracted vessel will be allocated between the contracting cooperative (or cooperatives) and the contract vessel's home cooperative. In the event that multiple cooperatives are jointly contracting with a non-member vessel, the harvest schedule must clearly specify how all catch and any overages will be allocated among the various cooperatives.</p>	

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all cooperatives contracting with non-member catcher vessels under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



Instructions
APPLICATION FOR AMERICAN FISHERIES ACT (AFA)
NON-MEMBER CATCHER VESSEL CONTRACT
FISHING



Type or print legibly in ink; retain a copy of completed application for your records. Mail completed forms to:

**NMFS Alaska Region, RAM,
P.O. Box 21668,
Juneau, AK 99802-1668.**

If you need additional information, call RAM toll free at (800) 304-4846 (#2) or (907) 586-7202 (#2).

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or a corporate account number for express delivery.

Please complete each block.

1. Name of cooperative.
2. Name of Designated Cooperative Representative. Indicate the name of an individual who is designated by the members of a fishery cooperative to fulfill requirements on behalf of the cooperative including, but not limited to, the signing of cooperative fishing permit applications; submitting catcher vessel pollock cooperative catch reports, and submitting annual cooperative fishing reports.
3. Name of non-member contracted catcher vessel.
4. Printed name and signature of contracted catcher vessel owner.
5. Harvest schedule. Show how all catch and any overages by the contracted vessel will be allocated between the contracting cooperative (or cooperatives) and the contract vessel's home cooperative. In the event that multiple cooperatives are jointly contracting with a non-member vessel, the harvest schedule must clearly specify how all catch and any overages will be allocated among the various cooperatives.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

National Marine Fisheries System

Electronic Reporting System

Version 2

Shoreside Logbook User's Guide

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this data entry please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used for American Fisheries Act (AFA) management measures; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Use of the Shoreside Processor Electronic Logbook Report (SPELR) and submission of this information is required for all processors taking deliveries of any groundfish species from an AFA-eligible vessel; 5) This information is mandatory and is required to manage commercial BSAI pollock fishing under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*) (Magnuson-Stevens Act); 6) Responses to this information request are confidential under Section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, entitled "Confidentiality of Fishery Statistics." These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service." Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

TABLE OF CONTENTS

INTRODUCTION	3
SYSTEM REQUIREMENTS.....	3
TECHNICAL SUPPORT	3
HOW TO OBTAIN ER SOFTWARE	3
INSTALLING THE ER SYSTEM V2 FROM CD	3
INSTALLING THE ER SYSTEM FROM THE INTERNET	5
UNINSTALLING ER SYSTEM SOFTWARE.....	5
STARTING THE SYSTEM	6
MAIN MENU.....	6
DATABASE TAB	7
TRANSMIT TAB	8
COMMUNICATIONS SETTINGS TAB	9
CURRENT REPORT TYPE	9
CLIENT INFORMATION	10
BUYING STATIONS.....	11
VESSELS	11
SHORESIDE LOGBOOK.....	12
Daily Log Tab	12
Deliveries Tab	13
Filter Tab	14
PRODUCT AND DISCARDS	15
SHORE LOG DELIVERIES LIST	16
SHORE LOG DELIVERY REPORTS	17
FISH TICKETS.....	18
Statistical Areas	19
PRINTED REPORTS	19
INDEX.....	20

Introduction

Throughout this manual this version of the “NMFS Electronic Reporting System” will be referred to simply as the “ER System V2” or the “shoreside logbook”. This distribution of ER System V2 is for shoreside processors (including processor vessels that operate as state waters motherships). A separate distribution of the ER System is available for processor vessels operating in the EEZ.

The ER System was developed by NMFS to allow processors to submit Federal reports to NMFS by electronic means, as opposed to filling in blank forms and faxing them to Juneau. The ER System is intended to help processors by making the reporting process simpler and more accurate. The ER System also helps NMFS because the data is automatically entered into the NMFS database. This automatic data entry eliminates possible data entry errors when NMFS staff processes reports and enters data.

System Requirements

The ER System V2 requires a computer running Windows 95, 98, NT, or compatible operating system.

Electronic transmission of data files requires a modem or compatible device or a messaging system such as internet email or Inmarsat C.

Technical Support

If you encounter any problems installing the software or in using the system please call (907) 586-7085 and ask for electronic reporting technical support, or you can e-mail er.help@noaa.gov

How to obtain ER software

NMFS will mail you an ER System V2 installation CD upon request. Call the NMFS Juneau office at (907)586-7228, the NMFS Dutch Harbor office at (907)581-2062, or the NMFS Kodiak office at (907) 481-1781 to make arrangements to get an installation CD. You can also download the ER system software from the NMFS homepage at www.fakr.noaa.gov.

Installing the ER System V2 from CD

This software requires Windows95, 98 or WindowsNT, and is provided in Compact Disc (CD) format.

- 1) Close all other applications.

2) Make sure that a previous installation of the ER System V2 is not already installed on your machine. If a previous installation has been done, it **MUST** be removed before you install again. Please refer to the section on Uninstalling ER System Software.

ER System V2 may be installed on a computer with the previous version of ER software (Version 1.5). You may wish to regain version 1.5 if you want to access 1998 or 1999 data that were entered with that version.

3) Run the Setup.exe program from the ER Version 2 CD. One way to locate and run this program is:

- a) Click on the START button in the lower left corner of the screen, and highlight the PROGRAMS menu.
 - b) Choose “Windows NT Explorer” or “Windows Explorer” from the menu.
 - c) From the “Explorer” screen, click on “My Computer” in the top left side of the screen.
 - d) In the contents of “My Computer”, check to see which disk drive is labelled CD-ROM.
 - e) Place the NMFS Electronic Reporting System CD-ROM in the CD drive of your computer, and close the CD drive door.
 - f) Click on the CD-ROM’s disk drive in the left hand side of your screen. This will cause all the files on the CD-ROM to be listed on your screen.
 - g) Scroll down the list of files and double-click on a file named “setup.exe”. This will start the installation procedure.
- 4) The first screen you see should be a reminder to exit all other software before attempting installation of ER. Click OK.
- 5) You are prompted for your Alaska Federal Fisheries Permit Number. Enter the 4 digit number that identifies your processor. This number is found on your Federal fisheries or processor permit.
- 6) The next screen will request that you specify a destination directory for installing this software. It is recommended that you accept the default directory of C:\Program Files\ER Client2\. Click the big button to accept this default directory.
- 7) The next screen should say that the program has installed successfully,

- 8) To start up the ER System, push the START button in the lower left corner, click on PROGRAMS, and from the menu list under PROGRAMS, click on ER Client 2.

Installing the ER System from the Internet

The NMFS Electronic Reporting client software can be downloaded from the Electronic Reporting Homepage 'http://www.fakr.noaa.gov/nmfs_er/'.

Steps to download the ER system:

1. Create a temporary folder (directory) named **C:\ERTemp**. Files will be downloaded to this folder.
2. Go to the Electronic Reporting screen at the NMFS Homepage: http://www.fakr.noaa.gov/nmfs_er/
3. There is a blue hypertext area to click: [ERV2Elog.EXE](#)

This will download the NMFS Electronic Reporting client software Version 2 for shoreside processors.

Processor vessels should download the file [ERV2Vess.EXE](#)

These are compressed, self-extracting files.

4. In MS Internet Explorer, the 'Save As' screen will appear. Make certain that the ERTemp folder is selected. You will have to select ERTemp yourself. Then press Save.
6. After the software is downloaded, you need to decompress the files. Run the self-extracting file by double-clicking on its name. The files will extract to the same directory (ERTemp).
7. After the files are decompressed, you need to run the file 'Setup.exe', which is part of the ER software. To run the file 'Setup.exe', click the **Start** button on the task bar, then press **Run**. Type in: **C:\ERTemp\setup.exe** then press **OK**. Follow steps 4-8 of the CD installation listed above.

Uninstalling ER System Software

It may be necessary to uninstall and re-install the ER System software. Before uninstalling, make sure that you have a current backup of your ER database. Check with NMFS to make sure that the data associated with your current ER System software will not be lost if you have any question about the correct procedures.

To uninstall the ER System Software, click on the START button in the lower left corner of your screen, then click on SETTINGS, CONTROL PANEL, and finally on ADD/REMOVE programs. Follow the prompts to remove the entire ER System software. After removing the ER System software, it is a good idea to look in the directory where it was previously installed and check to make sure that all of the files in that folder have been removed. Now it is safe to re-install the ER System software in the same folder.

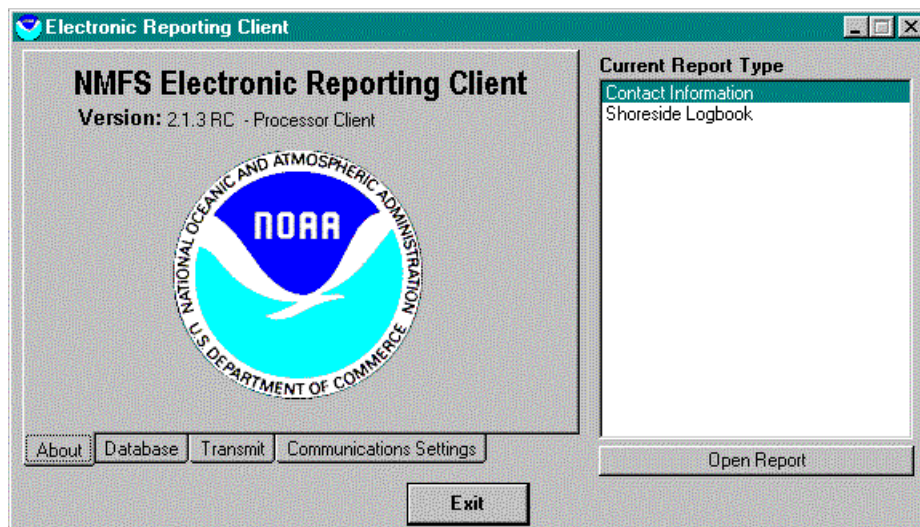
Starting the system

To start the ER System software click the Start button at the bottom left corner of the screen, then highlight Programs. Click on the 'ER Client 2' item in the Programs list and the software will start.

After installation of the electronic shoreside logbook program and upon double clicking the program icon to run, the login screen appears for the first time. The 'User' line contains "Admin". There is no password and by pressing enter you will proceed to the Main Menu. From the Main Menu choose the database tab and edit 'user/password' to enter a password for the Admin user or to add other users to the system.

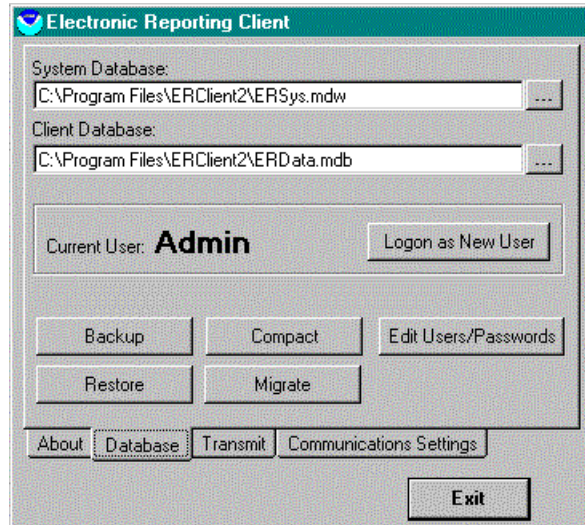
Main Menu

The following screen will display. There are 4 tabs on the lower left of the screen labeled About, Database, Transmit and Communications Settings. On the form's right side is 'Current Report Type' which is where you select the Report type you want to work with. The 'About' tab is the default (shown below). It displays the software version number, which is useful for technical support.



Database Tab

The Database tab displays the name and location of the System and Client Databases. The System database contains the account names and passwords for the ER system. The Client database contains all the report data. The button to the right of the database name can be used to locate and select a different database. There are also command buttons to Backup, Restore, Compact, and Migrate the database. You can also Edit User accounts and passwords or Logon as a different User.



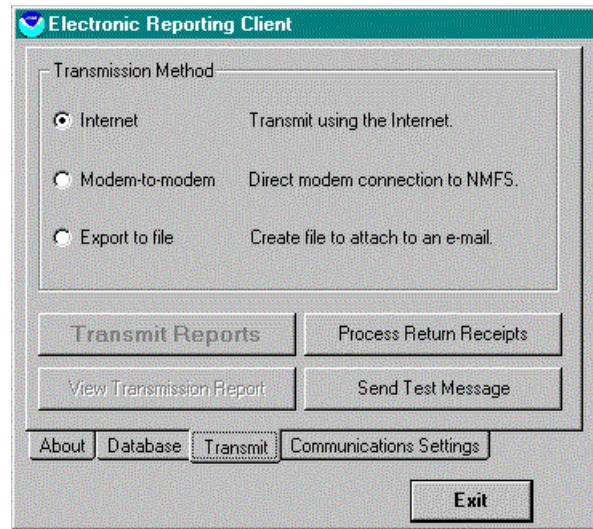
COMPACT: When records are deleted from an Access database, they are marked for deletion, which means they remain in the database but you can't see them. This gives the ability to recover deleted records at a later date. If you are certain you will never want to recover deleted records, you can eliminate the records marked for deletion by 'compacting' your database. This will reduce the size of the database and free up disk space.

BACKUP: This makes a backup copy of the database. Backups should be done daily, so that in the event that the database must be restored (see RESTORE below) the amount of data that would have to be re-entered would be limited to the most recent day. By default, the letters "BK" will be added to the beginning of the file name and it will be copied into the same folder as the existing database, unless the user chooses to place it into a different folder.

RESTORE: This copies a backup database over your database. The backup copy will 'restore' the database to its former condition. This would be done if there were a problem with the existing database.

MIGRATE: This feature is used to migrate a database from one version of ER System V2 to a later upgrade. It can be used by shoreside logbook Beta testers to migrate their data to the current released version.

TRANSMIT TAB



Select your transmission method from the three buttons. Reports can be transmitted automatically using internet E-mail if your system is configured with a network or dial-up connection to the internet and an internet E-mail host. Select Modem-to-modem if you wish to transmit files directly to the NMFS host computer by connecting over the phone system. Your system must have a compatible modem and telephone connection to use this option. To transmit a report using a messaging system such as Inmarsat C, select Export to file, which will create a data file in the Output directory. This file can be attached to an Inmarsat C message and sent to NMFS. This text file will reside in the Output Directory.

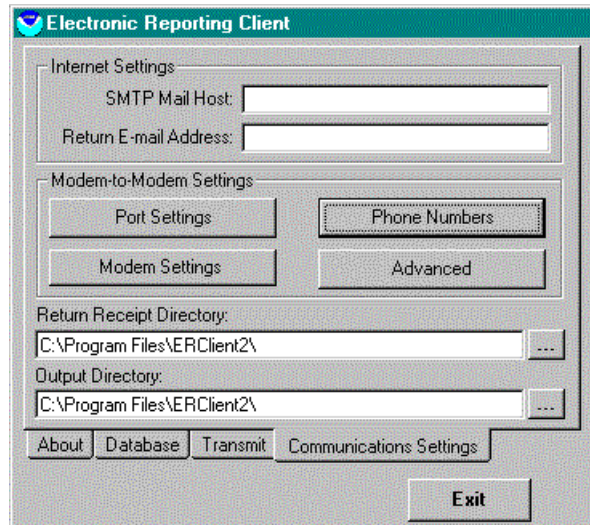
After reports have been sent to NMFS a return receipt is generated by NMFS that acknowledges receipt of all reports sent in a single transmission. The return receipt will be sent to you as an attachment to an e-mail message. The return receipt attachment must be placed in the "Return Receipt Directory" of the ER software. The directory path (by default: c:\Program Files\ERClient2\) can be seen on the "Communications Settings" tab of the ER software. Once the return receipt is in the "Return Receipt Directory", push the "Process Return Receipts" button to process the receipt and produce the Transmission History report.

The 'Send Test Message' button is used to send a test message to NMFS to determine if communications are working correctly.

Communications Settings Tab

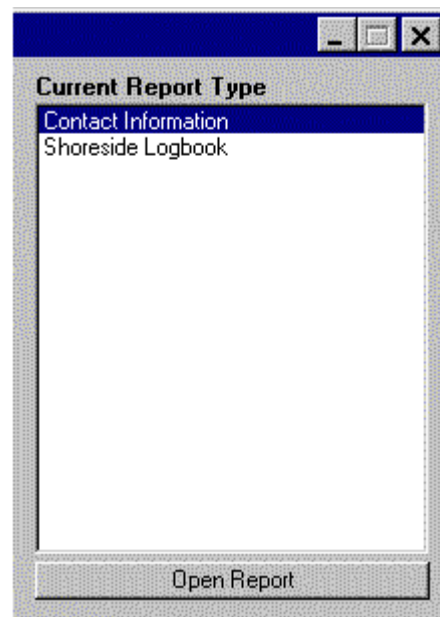
The Communications Settings tab contains configuration parameters used in transmitting reports to NMFS. This is where you establish (change) phone numbers, modem and port settings. The Return Receipt and Output directories are the directory locations on your system for outgoing reports and for return receipt files sent by NMFS.

The system default parameters will work in most cases.



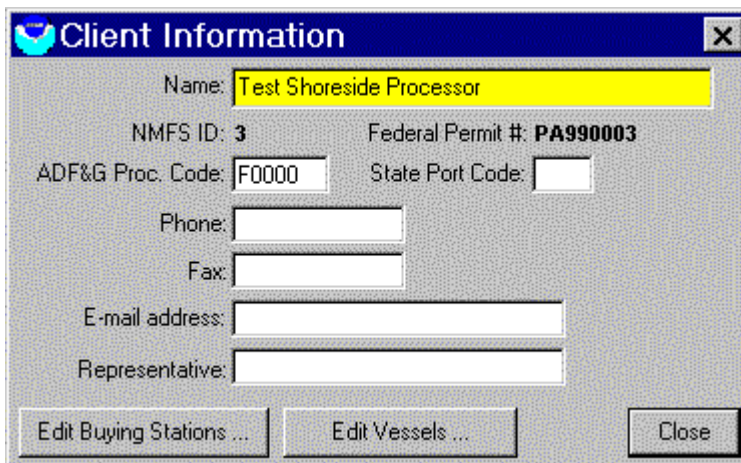
Current Report Type

The Electronic Reporting System supports several types of reports. They are displayed in the Report Type window on the right side of the Main Menu. To open a report type, you highlight the report, then click the 'Open Report' button or double-click on the report type name.



Client Information

If you select Client Information this screen will appear. It contains information about your company. Please make sure all lines are filled out. The e-mail address is used to send return receipts back to you. The representative should be the person we need to talk to should there be questions with the reports. From this screen you can also access the Buying Stations and Vessels. If you're receiving fish from a Buying Station the Buying Station information must be entered through the 'Edit Buying Station' tab before delivery information can be entered. Entering a list of the catcher vessels you take deliveries from will simplify data entry for deliveries and make the catcher vessel name available on reports.

A screenshot of a software dialog box titled "Client Information". The dialog box has a blue title bar with a close button (X) in the top right corner. The main area is light gray and contains several text input fields and labels. The "Name" field is highlighted in yellow and contains the text "Test Shoreside Processor". Below it, "NMFS ID:" is followed by the number "3", and "Federal Permit #:" is followed by "PA990003". The "ADF&G Proc. Code:" field contains "F0000", and the "State Port Code:" field is empty. There are empty input fields for "Phone:", "Fax:", "E-mail address:", and "Representative:". At the bottom, there are three buttons: "Edit Buying Stations ...", "Edit Vessels ...", and "Close".

Name: Test Shoreside Processor	
NMFS ID: 3	Federal Permit #: PA990003
ADF&G Proc. Code: F0000	State Port Code:
Phone:	
Fax:	
E-mail address:	
Representative:	
Edit Buying Stations ...	Edit Vessels ...
Close	

Buying Stations

This is the screen to enter Buying Station Information. It will create one record for each Buying Station.

Click the New button to enter a buying station record.

To page through all the Buying Stations, click the arrow buttons near the bottom of the screen.

ID:

Name:

Type

☐ Tender Vessel ADF&G #:

☐ Vehicle DMV License #:

☐ Other

Description:

Buying Station 0 of 0

New Delete Close

Vessels

Enter the ADF&G number and name for each catcher vessel you take deliveries from. This builds a database of catcher vessels that you can pick from when entering delivery information.

ADF&G #	Name
12345	Sunshine
*	

Close

Shoreside Logbook

Report List

Daily Logs | Deliveries | Filter

August, 1999

SUN	MON	TUE	WED	THU	FRI	SAT
1 ?	2 ?	3 ?	4 ?	5 ?	6 ?	7 ?
8 ?	9 ?	10 ?	11 ?	12 ?	13 ?	14 ?
15 ?	16 ?	17 ?	18 ?	19 ?	20 ?	21 ?
22 ?	23 ?	24 ?	25 ?	26	27	28
29	30	31				

☒ No Production
☒ No Deliveries

Re-transmit | Delete | Edit | Cancel

Daily Log Tab

There are three tabs at the top of the Report List . The Daily Log Tab displays a calendar. Each date displays a colored icon to indicate the presence of Daily Log records on that date.

Red Question Mark Icon:

Daily log information has never been entered or is not complete for this day. To be complete, at least one delivery and one product must be entered OR the corresponding No Deliveries or No Production flag must be set.

Mail Box Icon

Daily log information has been entered and the information will be transmitted on the next transmission OR a record that has been sent has been revised and the revised information will be sent in the next transmission.

No Icon

Daily log information entered and sent or the day hasn't happened yet (future date).

Delivery Date	ADF&G #	Vessel Name	Last Modified	Sent Date	Transmit?
12/25/99	12345	Sunshine	12/29/99 2:40:04 PM		<input checked="" type="checkbox"/>

Deliveries Tab

The Deliveries Tab displays a list of all the deliveries. From this screen you can use the buttons at the bottom of the screen to create a new delivery, edit a current delivery, delete a delivery, or retransmit a delivery. You click on an existing Delivery to select it and double-click to open or single click to select followed by one of the action buttons, Retransmit, delete or edit. The sent date is filled in when the report is transmitted to NMFS. The Transmit? checkbox indicates whether a report contains new or edited data and will be transmitted to NMFS. It is for information purposes only, and cannot be set by the user.

Report List

Filter

Date Range

☐ This Week
☐ This Month
☐ 3 Months
☐ 6 Months
☒ All
☐ Custom

Custom Range

From: 12/29/99
 To: 12/29/99

Vessels

☒ 12345 - Sunshine

Clear All Select All

Re-transmit Delete Edit Cancel

Filter Tab

The Filter Tab allows you to select reports by date range, making it easier to locate reports on the Deliveries tab. The default is “All” reports, but you may wish to set it to present only recent reports on the list. You can select the ‘Custom’ option button to enter your own custom dates. You can also make selections for individual vessels by highlighting the one you want to view, then select the appropriate tab. The vessels that appear on this list are those that you entered under the “Contact Information” report.

Product and Discards

Electronic Reporting - Shoreside Logbook

File Edit Reports

Test Shoreside Processor Units of Measure: ☒ pounds ☐ metric tons

Federal ID: 3 Federal Permit #: PA990003 State Proc. Code: F0000 Port

Date: 08/25/99 Number of Observers on Site: 0 ☐ No Deliveries ☐ No Production

Products/Plant Discards

BSAI		GOA	
Species	P/A/R	Product	Weight (lbs)
*			

Deliveries Close

This is the Shoreside Logbook Products/**Plant** Discards entry screen. To enter Bering Sea or Gulf of Alaska data select the appropriate tab BSAI or GOA and enter the species, whether the product is primary, ancillary or reprocessed, the product code and weight for each product made that day. To enter or edit Delivery data , click on the button 'Deliveries'. Units of measure may be in pounds or metric tons. You can change the units of measure and all data are recalculated and displayed in the selected units. If there were no deliveries or production for the day you may mark the 'No Deliveries' and/or 'No Production' boxes by using the left mouse button to click the appropriate check box.

Shore Log Deliveries List

Electronic Reporting - Shoreside Logbook

File Edit Reports

Test Shoreside Processor Units of Measure: ☒ pounds ☐ metric tons

Federal ID: 3 **Federal Permit #:** PA990003 **State Proc. Code:** F0000 **Port:**

Date: 08/25/99 Number of Observers on Site: 0 ☐ No Deliveries ☐ No Production

Deliveries

ADF&G #	Fishing Began	Last Modified	Sent Date
---------	---------------	---------------	-----------

New Delivery Edit Delivery Delete Delivery

Products Close

This is the Shore Log Deliveries screen. After Deliveries are entered, each Delivery Report will be displayed as a line in a grid. (In this example there are no Deliveries.) To add a delivery, you would click on the button 'New Delivery'. After reports are entered the 'Edit Delivery' and 'Delete Delivery' buttons will be enabled. To return to the Products screen click on the 'Products' button.

Shore Log Delivery Reports

Electronic Reporting - Deliveries

File Edit Fish Tickets Reports

Test Shoreside Processor Units of Measure: ☒ pounds ☐ metric tons

Federal ID: 3 Federal Permit #: PA990003 State Proc. Code: F0000 Port:

Delivery Information

Delivery Date: 08/25/99

Date Fishing Began: / /

Vessel ADF&G #:

☐ Delivered By Buying Station?

Buying Station Information

Name:

Date Received by Buying Station: / /

☐ Discard Report Received?

Reason for Missing Discard Report

☐ Catcher Vessel not Federally Permitted

☐ Catcher Vessel Length < 60'

☐ Not provided by Catcher Vessel

Fish Ticket Information Close

When entering delivery information the delivery date automatically defaults to the current date. You may change the date in both 'Delivery Date' and 'Date Fishing Began' by using the + and - keys or by typing in the date. The "down-arrow" button on the date control brings up a small calendar that you can use to pick a date. The vessel ADF&G # can be typed in or use the "down arrow" button to select a vessel from the database you entered information into under Client Information, 'Edit Vessels'. If the delivery was made by a Buying Station, mark the box using the left mouse button or by hitting the space bar then use the down arrow key to select the appropriate Buying Station. The Buying Station information must be originally input through the Client Information, 'Edit Buying Stations' tab. If a discard report was received, mark the box by clicking the left mouse button or space bar. If you didn't receive a discard report mark one of the choices provided by using the left mouse button or use the arrow keys. When entering a Delivery, you may need to access the Buying Station screen and the Fish Ticket Information screen. They are described below.

Fish Tickets

Electronic Reporting - Deliveries

File Edit Worksheets Reports

Test Shoreside Processor Units of Measure: ☒ pounds ☐ metric tons

Federal ID: 3 Federal Permit #: PA990003 State Proc. Code: F0000 Port:

Fish Ticket Information

Fish Ticket #: Management Program:

Gear Type: Account/Permit #:

Catcher Vessel: 12345 - Sunshine

Landings		Discards/Donated	
Species	Product		Weight (mt)
270 - Pollock	03 - Bled fish: throat or isthmus slit f		113.427
110 - Pacific Cod	01 - Whole fish/food		14.515
*			

Worksheet 1 of 1 Delivery Information Close

After you press the Fish Ticket Information' button on the Delivery form, this screen appears. In many cases, a delivery will have only one fish ticket, but in some cases – such as landings with both CDQ and IFQ fish, or an IFQ landing with the catch distributed among multiple permit holders, there may be multiple Fish Tickets for the delivery. You can page through each record by pressing the arrow buttons at the lower left of this screen. To enter Discards or Landings, select the correct tab near the center of the screen. Start by entering the fish ticket number (example: G97), hit tab and enter the rest of the number making sure there are six places filled out in the box (example: 001234). Enter the gear type by ADF&G gear code number as shown on the fish ticket or use the down arrow to select one. Tab to 'Management Plan'. Use the down arrow and select the program or type in the first letter of the appropriate program and the system will fill in the rest. **If you are not fishing in one of the listed Management Programs then leave this box and the Account/Permit # box blank** If you are fishing in a listed program enter the 'Account/Permit' number (e.g. IFQ permit number, CDQ group number (51...56), AFA inshore Coop number (101...108)). From this screen you click the 'Statistical Area Worksheet' button to enter 6-digit ADF&G Statistical Areas.

Statistical Areas

The Statistical Area screen is accessed from the Fish Ticket screen. Enter the 6-digit State Statistical Area code and the percentage of catch for that area. The system will provide the NMFS federal reporting area. The percentage must total 100% before leaving the worksheet. Once completed hit the close button to leave the screen.

	State Area	%	Fed. Area

Total % Unallocated: 100.
Total % Allocated: .

Close

Enter the Landings and Discard/Donated information for each species under the appropriate tabs.

Printed Reports

Two printed reports are available from the system, one report for daily information and products, the other for delivery worksheets. These reports should be printed and maintained as official company records, subject to inspection by fisheries enforcement personnel. A Print Preview option is available from the File menu for each report so it can be viewed prior to printing.

The Daily Production Report is printed from the Shoreside Logbook “Products/Plant Discard” screen. To print the report, Click on the Printer Icon (or select File-Print from the menu bar, or Ctrl-P from the keyboard).

The Delivery Worksheet is printed from the “Fish Ticket Information” screen. To print the Delivery Worksheet, Click on the Printer Icon (or select File-Print from the menu bar, or Ctrl-P from the keyboard).

Index

A

About tab 6

B

Backup..... 7

C

Client database 7

Compact 7

Current Report Type window 9

D

Daily Log Tab 12

Database tab 7

Deliveries Tab 13

F

Filter Tab 14

M

Migrate 7

R

Restore..... 7

S

Statistical Area 19

System database 7

§ 679.5 Recordkeeping and reporting

(d) Buying station report (BSR)

(1) In addition to information required at paragraphs (a) and (b) of this section, the operator or manager of a buying station must:

- (i) Enter on each BSR the name, ADF&G processor code, and Federal fisheries or processor permit number of its associated processor, date delivery completed, and time delivery completed;
- (ii) Record each delivery of unprocessed groundfish or donated prohibited species to an associated processor on a separate BSR.
- (iii) Ensure that a BSR, along with any blue DFLs received from a catcher vessel, accompanies each groundfish delivery from the landing site to the associated processor.
- (iv) Retain a copy of each BSR.
- (v) In addition to recording the total estimated delivery weight or actual scale weight of a catcher vessel delivery, the operator or manager of a buying station may enter specific species codes and weights (in lb or mt) to the BSR.

(2) The operator or manager must record all information required and sign the BSR within 2 hours of completion of delivery from catcher vessel.

(e) Shoreside processor electronic logbook report (SPELR).

(1) The owner or manager must use SPELR or NMFS-approved software for the duration of the fishing year to report every delivery, including but not limited to groundfish from AFA catcher vessels and pollock from a directed pollock fishery participant, from all catcher vessels and maintain the SPELR and printed reports as described at paragraph (f) of this section, if a shoreside processor or stationary floating processor:

- (i) Receives groundfish from AFA catcher vessels; or
- (ii) Receives pollock harvested in a directed pollock fishery.

(2) The owner or manager of a shoreside processor or stationary floating processor that is not required to use SPELR under paragraph (e)(1) of this section may use, upon approval by the Regional

Administrator, SPELR or NMFS-approved software in lieu of the shoreside processor DCPL and shoreside processor WPR. Processors using the SPELR must maintain the SPELR and printed reports as described in this paragraph (e) and at paragraph (f) of this section.

(3) Exemptions.

The owner or manager who uses the SPELR per paragraphs (e)(1) and (2) of this section is exempt from the following requirements:

- (i) Maintain shoreside processor DCPL.
- (ii) Submit quarterly DCPL logsheets to NOAA Fisheries, Office for Law Enforcement (OLE), Juneau, as described at paragraph (a)(14)(iii) of this section.
- (iii) Maintain and submit WPRs to the Regional Administrator as described at paragraph (i) of this section.
- (iv) If receiving deliveries of fish under a CDQ program, submit CDQ delivery reports to the Regional Administrator as described at paragraph (n)(1) of this section.

(4) Time limit and submittal.

(i) The SPELR must be submitted daily to NMFS as an electronic file. A dated return-receipt will be generated and sent by NMFS to the processor confirming receipt and acceptance of the report. The owner or manager must retain the return receipt as proof of report submittal. If an owner or manager does not receive a return receipt from NMFS, the owner or manager must contact NMFS within 24 hours for further instruction on submittal of SPELRs.

(ii) Daily information described at paragraph (e)(6) of this section must be entered into the SPELR each day on the day they occur.

(iii) Except as indicated in paragraph (e)(4)(iv) of this section, information for each delivery described at paragraph (e)(7) of this section must be submitted to the Regional Administrator by noon of the following day for each delivery of groundfish.

(iv) If a shoreside processor or stationary floating processor using the SPELR or equivalent software is not taking deliveries over a weekend from one of the AFA-permitted catcher vessels listed on NMFS Alaska

§ 679.5 Recordkeeping and reporting

Region web page at <http://www.fakr.noaa.gov/ram> the SPELR daily report may be transmitted on Monday.

(5) Information entered once (at software installation) or whenever it changes.

The owner or manager must enter the following information into the SPELR when software is installed or whenever any of the information changes:

- (i) Shoreside processor or stationary floating processor name, ADF&G processor code, Federal processor permit number, and processor e-mail address;
- (ii) State port code as described in Table 14 to this part;
- (iii) Name, telephone and FAX numbers of representative.

(6) Information entered daily. The owner or manager must daily enter the following information into the SPELR:

- (i) Whether no deliveries or no production;
- (ii) Number of observers on site;
- (iii) Whether harvested in BSAI or GOA;
- (iv) Product by species code, product code, and product designation;
- (v) Product weight (in lb or mt).

(7) Information entered for each delivery. The owner or manager must enter for each delivery the following information into the SPELR:

- (i) Date fishing began; delivery date; vessel name and ADF&G vessel registration number; ADF&G fish ticket number of delivery; management program name and identifying number (if any); gear type of harvester; landed species of each delivery by species code, product code, and weight (in pounds or mt); ADF&G statistical area(s) where fishing occurred and estimated percentage of total delivered weight corresponding to each area; and whether delivery is from a buying station.
- (ii) If delivery received from a buying station, indicate name and type of buying station (vessel, vehicle, or other); date harvest received by buying station; if a vessel, ADF&G vessel registration number; if a vehicle, license plate number; if other than a vessel or vehicle, description.
- (iii) Whether a blue DFL was received from catcher vessel; if not received, reason given; discard or disposition species; if groundfish or PSC herring, enter

species code, product code, and weight (in pounds or mt); if PSC halibut, salmon, or crab, enter species code, product code, and count (in numbers of animals).

(iv) If a CDQ delivery, enter species code, product code, weight (in pounds or mt) and count of PSQ halibut.

(f) SPELR printed reports

(1) Requirement.

(i) Daily printouts. The manager daily must print onsite at the shoreside processor or stationary floating processor two reports: a shoreside logbook daily production report and a delivery worksheet using pre-determined formats generated by the SPELR or NMFS-approved software.

(ii) Signature. The owner or manager of the shoreside processor or stationary floating processor must sign and enter date of signature onto each SPELR printed report. The signature of the owner or manager on SPELR printed reports is verification of acceptance of the responsibility required in paragraphs (e) and (f) of this section.

(iii) Delivery worksheet. The Delivery Worksheet results from a SPELR or NMFS-approved pre-determined format of the data; it summarizes daily landings and discards.

(iv) Shoreside logbook daily production report. The Shoreside Logbook Daily Production Report results from a SPELR or NMFS-approved pre-determined format of the data; it summarizes daily production.

(2) Retention.

The manager must retain the paper copies of the reports described in paragraph (f)(1) of this section as follows:

(i) Onsite. Onsite at the shoreside processor or stationary floating processor until the end of the fishing year during which the reports were made and for as long thereafter as fish or fish products recorded in the reports are retained.

(ii) For 3 years. For 3 years after the end of the fishing year during which the reports were made.

§ 679.5 Recordkeeping and reporting

(3) Inspection.

The owner or manager must make available the reports described in paragraph (f)(1) of this section upon request of observers, NMFS personnel, and authorized officers.

(g) *Groundfish Product Transfer Report (PTR).*

(1) Except as provided in paragraphs (g)(1)(i) through (iv) of this section, the operator of a mothership or catcher/processor or the manager of a shoreside processor or stationary floating processor must record on a separate PTR each transfer of groundfish product (including unprocessed fish) or donated prohibited species.

(i) Exemption: Bait sales. The operator or manager may aggregate individual sales or transfers of groundfish to vessels for bait purposes during a day onto one PTR when recording the amount of such bait product leaving a facility that day. If transfer is a daily aggregation of bait sales, enter "BAIT SALES" in the "RECEIVER" box and enter the time of the first sale of the day and the time of the last sale of the day.

(ii) Exemption: Over-the-counter groundfish sales.

(A) The operator or manager daily may aggregate and record on one PTR, individual over-the-counter sales of groundfish for human consumption, where each sale weighs less than 10 lb (0.0045 mt), when recording the amount of such over-the-counter product leaving a facility that day.

(B) If a PTR records a daily aggregation of over-the-counter product sales, enter "OVER-THE-COUNTER SALES" in the "RECEIVER" box. Enter the time of the first sale of the day and the time of the last sale of the day.

(iii) Exemption: Wholesale sales.

(A) The operator or manager may aggregate and record on one PTR, wholesale sales of groundfish by species when recording the amount of such wholesale product leaving a facility that day, if invoices detailing destinations for all of the product are available for inspection by an authorized officer.

(B) If a PTR records a daily aggregation of wholesale product sales, enter "WHOLESALE

SALES" in the "RECEIVER" box. Enter the time of the first sale of the day and enter the time of the last sale of the day.

(iv) Exemption: IFQ Registered Buyer permit and IFQ or CDQ sablefish product. If the operator or the manager possesses a Registered Buyer permit issued per § 679.4(d)(2), the operator or manager is not required to submit a PTR to document shipment of IFQ or CDQ sablefish product. However, a shipment report as described at paragraph (l)(3) of this section is required for each shipment of IFQ or CDQ sablefish product.

(2) Time limits and submittal.

The operator of a mothership or catcher/processor or manager of a shoreside processor or stationary floating processor must:

(i) Record all product transfer information on a PTR within 2 hours of the completion of the transfer.

(ii) Submit by FAX or electronic file a copy of each PTR to OLE, Juneau, by 1200 hours, A.L.T., on the Tuesday following the end of the applicable weekly reporting period in which the transfer occurred.

(iii) A PTR is not required to accompany a shipment or offload.

(3) General information.

In addition to requirements described in paragraphs (a) and (b) of this section the operator or manager must record on a PTR:

(i) Whether original or revised PTR;

(ii) Whether receipt or shipment. "RECEIPT" if product is received; "SHIPMENT" if transferring product off your site or transferring product off your vessel;

(iii) Your processor type;

(iv) Whether you are the shipper or the receiver.

(4) Transfer Information

(i) Shipper.

(A) Enter information about your company: If you are shipping groundfish or groundfish product, enter your company name, address, FAX number, and ADF&G processor code.

(B) Enter information about the other company: If you are receiving groundfish or groundfish product

§ 679.5 Recordkeeping and reporting

0.001 mt for each groundfish CDQ species retrieved by a catcher/processor or delivered to a processor as defined in paragraph (n)(1)(i) of this section by product code and species code as defined in Tables 1 and 2 to this part, respectively.

(C) Catch information, halibut CDQ, halibut IFQ and sablefish IFQ. For non-trawl vessels only, enter the product code as defined in Table 1 to this part and product weight in metric tons to at least the nearest 0.001 mt for any halibut CDQ, halibut IFQ, and sablefish IFQ in the CDQ delivery. Submit this same information to the Regional Administrator on an IFQ landing report (see § 679.5(l)(2)).

(D) Mortality information, salmon and crab PSQ. For salmon or crab, enter the species code, as defined in Table 2 to this part, and the number of animals.

(E) Mortality information, halibut PSQ. For halibut PSQ catch, enter the round weight to the nearest 0.001 mt, mortality rate, and overall halibut mortality in metric tons to the nearest 0.001 mt. Use the target fishery designations and halibut bycatch mortality rates in the annual final specifications published in the *Federal Register* under § 679.20(c).

(v) Catch and delivery information: catcher/processors, catcher vessels delivering unsorted codends to motherships, or catcher vessels (with observers) using nontrawl gear and discarding groundfish CDQ at sea (Option 2 in the CDP). Record the following information on each applicable CDQ catch report.

(A) Delivery information.

(1) If a catcher vessel (with observers) using nontrawl gear, discarding groundfish CDQ at sea, and delivering to a shoreside processor or stationary floating processor, enter name and Federal processor permit number of the shoreside processor or the stationary floating processor, date catch delivered, and date fishing began on this trip.

(2) If a catcher vessel delivering unsorted codends to a mothership, enter the mothership name and Federal fisheries permit number, observer's haul number for this catch, and date codend is completely

onboard the mothership as determined by the Level 2 observer.

(3) If a catcher/processor, the observer's haul number for this catch, and the date on which the gear was retrieved as determined by the Level 2 observer.

(B) Catch information, groundfish CDQ species. (See paragraph (n)(2)(iv)(B) of this section).

(C) Catch information, halibut IFQ/CDQ and sablefish IFQ (See paragraph (n)(2)(iv)(C) of this section).

(D) Mortality information, salmon and crab prohibited species. (See paragraph (n)(2)(iv)(D) of this section).

(E) Mortality information, halibut PSQ. (See § 679.5(n)(2)(iv)(E) of this section).

(o) Catcher vessel cooperative pollock catch report

(1) Applicability.

The designated representative of each AFA inshore processor catcher vessel cooperative must submit to the Regional Administrator a catcher vessel cooperative pollock catch report detailing each delivery of pollock harvested under the allocation made to that cooperative. The owners of the member catcher vessels in the cooperative are jointly responsible for compliance and must ensure that the designated representative complies with the applicable recordkeeping and reporting requirements of this section.

(2) Time limits and submittal.

(i) The cooperative pollock catch report must be submitted by one of the following methods:

- (A) An electronic data file in a format approved by NMFS; or
- (B) By FAX.

(ii) The cooperative pollock catch report must be received by the Regional Administrator by 1200 hours, A.l.t. 1 week after the date of completion of delivery.

§ 679.5 Recordkeeping and reporting

(3) Information required.

The cooperative pollock catch report must contain the following information:

- (i) Cooperative account number;
- (ii) Catcher vessel ADF&G number;
- (iii) Inshore processor Federal processor permit number;
- (iv) Delivery date;
- (v) Amount of pollock (in lb) delivered plus weight of at-sea pollock discards;
- (vi) ADF&G fish ticket number.

(p) Commercial Operator's Annual Report (COAR)

(1) Requirement.

The owner of a mothership or catcher/processor must annually complete and submit to ADF&G the appropriate Forms A through M and COAR certification page for each year in which the mothership or catcher/processor was issued a Federal Fisheries permit. The owner of a mothership must include all fish received and processed during the year, including fish received from an associated buying station. The ADF&G COAR is further described under Alaska Administrative Code (5 AAC 39.130) (see § 679.3(b)(2)).

(2) Time limit and submittal of COAR.

The owner of a mothership or catcher/processor must submit to ADF&G the appropriate Forms A through M and COAR certification page by April 1 of the year following the year for which the report is required to the following address:

Alaska Department of Fish & Game
Division of Commercial Fisheries
Attn: COAR
P.O. Box 25526
Juneau, AK 99802-5526

(3) Information required, certification page.

The owner of a mothership or catcher/processor must:

- (i) Enter the company name and address, including street, city, state, and zip code; also seasonal mailing address, if applicable.

- (ii) Enter the vessel name and ADF&G processor code.

(iii) Check YES or NO to indicate whether fishing activity was conducted during the appropriate year.

(iv) If response to paragraph (p)(3)(iii) of this section is YES, complete the applicable forms of the COAR (see Table 18 to this part) and complete and sign the certification page.

(v) If response to paragraph (p)(3)(iii) of this section is NO, complete and sign only the certification page.

(vi) Sign and enter printed or typed name, e-mail address, title, telephone number, and FAX number of owner.

(vii) Enter printed or typed name, e-mail address, and telephone number of alternate contact.

(4) Buying information (exvessel), Forms A(1-3), C(1-2), E, G, I(1-2), and K

(i) Requirement. The owner of a mothership (if the first purchaser of raw fish) must complete and submit the appropriate COAR buying forms (A(1-3), C(1-2), E, G, I(1-2), and K) for each species purchased from fishermen during the applicable year.

(ii) Buying information required. The owner of the mothership must record the following information on the appropriate COAR buying forms:

- (A) Species name and code (see Table 2 to this part).
- (B) Area purchased (see Table 16 to this part).
- (C) Gear code (see Table 15 to this part).
- (D) Delivery code (form G only) (see Table 1 to this part).
- (E) Total weight (to the nearest lb) purchased from fishermen.

(F) Total amount paid to fishermen, including all post season adjustments and/or bonuses and any credit received by fishermen for gas expenses, ice, delivery premiums, and other miscellaneous expenses.

(G) Price per pound. If additional adjustments are made after this report has been filed, the owner must check the "\$ not final" box, and submit Form M when these adjustments are paid. Do not include fish purchased from another processor.

(5) Production forms, Forms B(1-6), D, F, H, J(1-2), and K

§ 679.61 Formation and operation of fishery cooperatives

§ 679.61 Formation and operation of fishery cooperatives (effective through 12/31/07)

(a) Who is liable for violations by a fishery cooperative and cooperative members?

A fishery cooperative must comply with the provisions of this section. The owners and operators of vessels that are members of a fishery cooperative, **including vessels under contract to a cooperative**, are responsible for ensuring that the fishery cooperative complies with the directed fishing, sideboard closures, PSC limits and other allocations and restrictions that are applicable to the fishery cooperative. The owners and operators of vessels that are members of a fishery cooperative, **including vessels under contract to a cooperative**, are responsible for ensuring that all fishery cooperative members comply with the directed fishing, sideboard closures, PSC limits and other allocations and restrictions that are applicable to the fishery cooperative.

(b) Who must comply this section?

(NOTE: This paragraph (b) is effective upon receipt of Paperwork Reduction Act approval from the Office of Management and Budget and upon publication of a Federal Register document to make them effective.)

Any fishery cooperative formed under section 1 of the Fisherman's Collective Marketing Act 1934 (15 U.S.C. 521) for the purpose of cooperatively managing directed fishing for BSAI pollock must comply with the provisions of this section. The owners and operators of all the member vessels that are signatories to a fishery cooperative are jointly and severally responsible for compliance with the requirements of this section.

(c) Designated representative and agent for service of process.

Each cooperative must appoint a designated representative and agent for service of process and must ensure that the cooperative's designated representative and agent for service of process comply with the regulations in this part.

(1) What is a designated representative?

Any cooperative formed under this section must appoint a designated representative to fulfill regulatory requirements on behalf of the cooperative including, but not limited to, filing of cooperative contracts, filing of annual reports, and in the case of inshore sector catcher vessel cooperatives, signing cooperative fishing permit applications and completing and submitting inshore catcher vessel pollock cooperative catch reports. The designated representative is the primary contact person for NMFS on issues relating to the operation of the cooperative.

(2) What is an agent for service of process?

Any cooperative formed under this section must appoint an agent who is authorized to receive and respond to any legal process issued in the United States with respect to all owners and operators of vessels that are members of the cooperative. The cooperative must provide the Regional Administrator with the name, address and telephone number of the appointed agent. Service on or notice to the cooperative's appointed agent constitutes service on or notice to all members of the cooperative.

(3) What is the term of service and process for replacing the agent for service of process?

The agent for service of process must be capable of accepting service on behalf of the cooperative until December 31 of the year 5 years after the calendar year for which the fishery cooperative has filed its intent to operate. The owners and operators of all member vessels of a cooperative are responsible for ensuring that a substitute agent is designated and the Agency is notified of the name, address and telephone number of the substitute agent in the event the previously designated agent is no longer capable of accepting service on behalf of the cooperative or the cooperative members within that 5-year period.

(d) Annual filing requirements.

You must file on an annual basis, with the Council and NMFS, a signed copy of your fishery cooperative contract, and any material modifications to any such contract, together with a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request. The Council and NMFS

§ 679.61 Formation and operation of fishery cooperatives

will make this information available to the public upon request.

(1) Must multi-year contracts be re-filed annually?
(NOTE: This paragraph (d)(1) is effective upon receipt of Paperwork Reduction Act approval from the Office of Management and Budget and upon publication of a Federal Register document to make them effective.)

If your cooperative contract was previously filed with NMFS and the Council under paragraph (c) of this section, then you may submit a renewal letter to NMFS and the Council by the filing deadline in lieu of the cooperative contract and business review letter. The renewal letter must provide notice that the previously filed cooperative contract will remain in effect for the subsequent fishing year. The renewal letter also must detail any material modifications to the cooperative contract that have been made since the last filing including, but not limited to, any changes in cooperative membership.

(2) Where must contracts or renewal letters be filed? ***(NOTE: This paragraph (d)(2) is effective upon receipt of Paperwork Reduction Act approval from the Office of Management and Budget and upon publication of a Federal Register document to make them effective.)***

You must send a signed copy of your cooperative contract or renewal letter and the required supporting materials to the

North Pacific Fishery Management Council,
605 West 4th Ave, Suite 306,
Anchorage, AK 99501;

and to the NMFS Alaska Region. The mailing address for the NMFS Alaska Region is P.O. Box 21668, Juneau, AK 99802. The street address for delivery by private courier is 709 West 9th St., Suite 401, Juneau, AK 99801.

(3) What is the deadline for filing?

The contract or renewal letter and supporting materials must be received by NMFS and by the Council at least 30 days prior to the start of any fishing activity conducted under the terms of the contract. In addition, an inshore cooperative that is also applying for an allocation of BSAI pollock under § 679.62 must file its contract, any amendments hereto, and supporting materials no later than December 1 of the year prior to the year in which fishing under the contract will occur.

(e) What are the required elements in a cooperative contract?

(1) Requirements for all fishery cooperatives.

Any cooperative contract filed under paragraph (c) of this section must:

(i) List parties to the contract.

(ii) List all vessels and processors that will harvest and process pollock harvested under the cooperative.

(iii) Specify the amount or percentage of pollock allocated to each party to the contract.

(iv) Specify a designated representative and agent for service of process.

(v) ***(NOTE: This paragraph (e)(1)(v) is effective upon receipt of Paperwork Reduction Act approval from the Office of Management and Budget and upon publication of a Federal Register document to make them effective.)*** Include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery that are not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid will result in a revocation of the authority to form fishery cooperatives under section 1 of the Act of June 25, 1934 (15 U.S.C. 521 *et seq.*).

(2) Additional required elements in all fishery cooperatives that include AFA catcher vessels.

A cooperative contract that includes catcher vessels must include adequate provisions to prevent each non-exempt member catcher vessel from exceeding an individual vessel sideboard limit for each BSAI or GOA sideboard species or species group that is issued to the vessel by the cooperative in accordance with the following formula:

(i) The aggregate individual vessel sideboard limits issued to all member vessels in a cooperative must not exceed the aggregate contributions of each member vessel towards the overall groundfish sideboard amount as calculated by NMFS under § 679.64(b) and as

§ 679.61 Formation and operation of fishery cooperatives

announced to the cooperative by the Regional Administrator, or

(ii) In the case of two or more cooperatives that have entered into an inter-cooperative agreement, the aggregate individual vessel sideboard limits issued to all member vessels subject to the inter-cooperative agreement must not exceed the aggregate contributions of each member vessel towards the overall groundfish sideboard amount as calculated by NMFS under § 679.64(b) and as announced by the Regional Administrator.

(f) Annual reporting requirement.

Any fishery cooperative governed by this section must submit preliminary and final annual written reports on fishing activity to the
North Pacific Fishery Management Council,
605 West 4th Ave, Suite 306,
Anchorage, AK 99501.

The Council will make copies of each report available to the public upon request.

(1) What are the submission deadlines?

You must submit the preliminary report by December 1 of each year. You must submit the final report by February 1 of the following year. Annual reports must be postmarked by the submission deadline or received by a private courier service by the submission deadline.

(2) What information must be included?

The preliminary and final written reports must contain, at a minimum:

(i) The cooperative's allocated catch of pollock and sideboard species, and any sub-allocations of pollock and sideboard species made by the cooperative to individual vessels on a vessel-by-vessel basis;

(ii) The cooperative's actual retained and discarded catch of pollock, sideboard species, and PSC on an area-by-area and vessel-by-vessel basis;

(iii) A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated;

(iv) A description of any actions taken by the cooperative in response to any vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries; and

(v) The total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis.

(3) What is the required format?

You must submit at least one copy of each annual report ready for duplication on unbound single-sided 8.5- by 11-inch paper, or in an alternative format approved in advance by the Council.

(g) Landing tax payment deadline.

You must pay any landing tax owed to the State of Alaska under subsection 210(f) of the AFA and paragraph (d)(1)(v) of this section before April 1 of the following year, or the last day of the month following the date of publication of statewide average prices by the Alaska State Department of Revenue, whichever is later. All members of the cooperative are prohibited from harvesting pollock in the BSAI directed pollock fishery after the payment deadline if any member vessel has failed to pay all required landing taxes from any landings made outside the State of Alaska by the landing deadline. Members of the cooperative may resume directed fishing for pollock once all overdue landing taxes are paid.

§ 679.62 Inshore sector cooperative allocation program

§ 679.62 Inshore sector cooperative allocation program (effective through 12/31/07)

(a) How will inshore sector cooperative allocations be made?

An inshore catcher vessel cooperative that applies for and receives an AFA inshore cooperative fishing permit under § 679.4(l)(6) will receive a sub-allocation of the annual Bering Sea subarea inshore sector directed fishing allowance. If the Aleutian Islands Subarea is open to directed fishing for pollock then the cooperative also will receive a sub-allocation of the annual Aleutian Islands Subarea inshore sector directed fishing allowance. Each inshore cooperative's annual allocation amount(s) will be determined using the following procedure:

(1) Determination of individual vessel catch histories.

The Regional Administrator will calculate an official AFA inshore cooperative catch history for every inshore-sector endorsed AFA catcher vessel according to the following steps:

(i) Determination of annual landings. For each year from 1995 through 1997 the Regional Administrator will determine each vessel's total non-CDQ inshore pollock landings from the Bering Sea Subarea and Aleutian Islands Subarea separately, except for the F/V PROVIDIAN (USCG documentation number 1062183).

(ii) Determination of annual landings for the F/V PROVIDIAN. For the F/V PROVIDIAN, pursuant to Public Law 106-562, the Regional Administrator will substitute the 1992 through 1994 total Bering Sea subarea and Aleutian Islands subarea pollock non-CDQ inshore landings made by the F/V OCEAN SPRAY (USCG documentation number 517100 for the purpose of determining annual cooperative quota share percentage.

(iii) Offshore compensation. If a catcher vessel made a total of 500 or more mt of landings of non-CDQ Bering Sea Subarea pollock or Aleutian Islands Subarea pollock to catcher/processors or offshore motherships other than the EXCELLENCE (USCG documentation number 967502); GOLDEN ALASKA (USCG documentation number 651041); or OCEAN

PHOENIX (USCG documentation number 296779) over the 3-year period from 1995 through 1997, then all non-CDQ offshore pollock landings made by that vessel during from 1995 through 1997 will be added to the vessel's inshore catch history by year and subarea.

(iv) Best two out of three years. After steps (a)(1)(i) and (ii) of this section are completed, the 2 years with the highest landings will be selected for each subarea and added together to generate the vessel's official AFA inshore cooperative catch history for each subarea. A vessel's best 2 years may be different for the Bering Sea subarea and the Aleutian Islands Subarea.

(2) Conversion of individual vessel catch histories to annual cooperative quota share percentages.

Each inshore pollock cooperative that applies for and receives an AFA inshore pollock cooperative fishing permit will receive an annual quota share percentage of pollock for each subarea of the BSAI that is equal to the sum of each member vessel's official AFA inshore cooperative catch history for that subarea divided by the sum of the official AFA inshore cooperative catch histories of all inshore-sector endorsed AFA catcher vessels. The cooperative's quota share percentage will be listed on the cooperative's AFA pollock cooperative permit.

(3) Conversion of quota share percentage to TAC allocations.

Each inshore pollock cooperative that receives a quota share percentage for a fishing year will receive an annual allocation of Bering Sea and/or Aleutian Islands pollock that is equal to the cooperative's quota share percentage for that subarea multiplied by the annual inshore pollock allocation for that subarea. Each cooperative's annual pollock TAC allocation may be published in the interim, and final BSAI TAC specifications notices.

§ 679.62 Inshore sector cooperative allocation program

(b) What are the restrictions on fishing under an inshore cooperative fishing permit?

A cooperative that receives a cooperative fishing permit under § 679.4(l)(6) must comply with **all of the fishing restrictions set out in this subpart**. The owners and operators of all the member vessels that are named on an inshore cooperative fishing permit **and the owners and operators of any vessels under contract to the cooperative under paragraph (c) of this section** are jointly and severally responsible for compliance **with all of the requirements of a cooperative fishing permit pursuant to § 679.4(l)(6)**.

(1) What vessels are eligible to fish under an inshore cooperative fishing permit?

Only catcher vessels listed on a cooperative's AFA inshore cooperative fishing permit **or vessels under contract to the cooperative under paragraph (c) of this section** are permitted to harvest any portion of an inshore cooperative's annual pollock allocation.

(2) What harvests accrue against an inshore cooperative's annual pollock allocation?

The following catches will accrue against a cooperative's annual pollock allocation regardless of whether the pollock was retained or discarded:

(i) Member vessels. All pollock caught by a member vessel while engaged in directed fishing for pollock in the BSAI by a member vessel unless the vessel is under contract to another cooperative and the pollock is assigned to another cooperative.

(ii) Contract vessels. All pollock contracted for harvest and caught by a vessel under contract to the cooperative under paragraph (c) of this section while the vessel was engaged in directed fishing for pollock in the BSAI.

(3) How must cooperative harvests be reported to NMFS?

Each inshore pollock cooperative must report its BSAI pollock harvest to NMFS on a weekly basis according to the recordkeeping and reporting requirements set out at § 679.5(o).

(c) Contract fishing by non-member vessels.

(NOTE: This paragraph (c) is effective upon receipt of Paperwork Reduction Act approval from the Office of Management and Budget and upon publication of a Federal Register document to make them effective.)

A cooperative that wishes to contract with a non-member vessel to harvest a portion of the cooperative's annual pollock allocation must comply with the following procedures.

(1) How does a cooperative contract with a non-member vessel?

A cooperative that wishes to contract with a non-member vessel must submit a completed contract fishing application to the Alaska Region, NMFS, in accordance with the contract fishing application instructions.

(2) What information must be included on a contract fishing application?

The following information must be included on a contract fishing application:

(i) Co-op name(s). The names of the cooperative or cooperatives that wish to contract with a non-member vessel.

(ii) Designated representative(s). The names and signatures of the designated representatives for the cooperatives that wish to contract with a non-member vessel and the vessel's home cooperative.

(iii) Vessel name. The name and AFA permit number of the contracted vessel.

(iv) Vessel owner. The name and signature of the owner of the contracted vessel.

(v) Harvest schedule. A completed harvest schedule showing how all catch and any overages by the contracted vessel will be allocated between the contracting cooperative (or cooperatives) and the contract vessel's home cooperative. In the event that multiple cooperatives are jointly contracting with a non-member vessel, the harvest schedule must clearly specify how all catch and any overages will be allocated among the various cooperatives.

§ 679.62 Inshore sector cooperative allocation program

(3) What vessels are eligible to conduct contract fishing on behalf of an inshore cooperative?

Only AFA catcher vessels with an inshore fishing endorsement that are members of an inshore cooperative may conduct contract fishing on behalf of another inshore cooperative.

(4) Who must be informed?

A cooperative that has contracted with a non-member vessel to harvest a portion of its inshore pollock allocation must inform any AFA inshore processors to whom the vessel will deliver pollock while under contract to the cooperative prior to the start of fishing under the contract.

(5) How must contract fishing be reported to NMFS?

An AFA inshore processor that receives pollock harvested by a vessel under contract to a cooperative must report the delivery to NMFS on the electronic delivery report by using the co-op code for the contracting cooperative rather than the co-op code of the vessel's home cooperative.

TITLE II—FISHERIES

Subtitle I—Fishery Endorsements

SEC. 201. SHORT TITLE.

This title may be cited as the “American Fisheries Act”.

SEC. 202. STANDARD FOR FISHERY ENDORSEMENTS.

(a) STANDARD.—Section 12102(c) of title 46, United States Code, is amended to read as follows—

“(c)(1) A vessel owned by a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is not eligible for a fishery endorsement under section 12108 of this title unless at least 75 per centum of the interest in such entity, at each tier of ownership of such entity and in the aggregate, is owned and controlled by citizens of the United States.

“(2) The Secretary shall apply section 2(c) of the Shipping Act, 1916 (46 App. U.S.C. 802(c)) in determining under this subsection whether at least 75 per centum of the interest in a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is owned and controlled by citizens of the United States. For the purposes of this subsection and of applying the restrictions on con-

trolling interest in section 2(c) of such Act, the terms ‘control’ or ‘controlled’—

“(A) shall include—

“(i) the right to direct the business of the entity which owns the vessel;

“(ii) the right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity which owns the vessel; or

“(iii) the right to direct the transfer, operation or manning of a vessel with a fishery endorsement; and

“(B) shall not include the right to simply participate in the activities under subparagraph (A), or the use by a mortgagee under paragraph (4) of loan covenants approved by the Secretary.

“(3) A fishery endorsement for a vessel that is chartered or leased to an individual who is not a citizen of the United States or to an entity that is not eligible to own a vessel with a fishery endorsement and used as a fishing vessel shall be invalid immediately upon such use.

“(4)(A) An individual or entity that is otherwise eligible to own a vessel with a fishery endorsement shall be ineligible by reason of an instrument or evidence of indebt-

edness, secured by a mortgage of the vessel to a trustee eligible to own a vessel with a fishery endorsement that is issued, assigned, transferred or held in trust for a person not eligible to own a vessel with a fishery endorsement, unless the Secretary determines that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel and that the trustee—

“(i) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

“(ii) is authorized under those laws to exercise corporate trust powers;

“(iii) is subject to supervision or examination by an official of the United States Government or a State;

“(iv) has a combined capital and surplus (as stated in its most recent published report of condition) of at least \$3,000,000; and

“(v) meets any other requirements prescribed by the Secretary.

“(B) A vessel with a fishery endorsement may be operated by a trustee only with the approval of the Secretary.

“(C) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under section 31322(a)(4) of this title only with the approval of the Secretary.

“(D) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this paragraph is voidable by the Secretary.

“(5) The requirements of this subsection shall not apply to a vessel when it is engaged in fisheries in the exclusive economic zone under the authority of the Western Pacific Fishery Management Council established under section 302(a)(1)(H) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(H)) or to a purse seine vessel when it is engaged in tuna fishing in the Pacific Ocean outside the exclusive economic zone of the United States or pursuant to the South Pacific Regional Fisheries Treaty, provided that the owner of the vessel continues to comply with the eligibility requirements for a fishery endorsement under the federal law that was in effect on October 1, 1998. A fishery endorsement issued by the Secretary pursuant to this paragraph shall be valid for engaging only in fisheries in the exclusive economic zone under the authority of such

Council, in such tuna fishing in the Pacific Ocean, or pursuant to such Treaty.

“(6) A vessel greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless—

“(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997;

“(ii) the vessel is not placed under foreign registry after the date of the enactment of the American Fisheries Act; and

“(iii) in the event of the invalidation of the fishery endorsement after the date of the enactment of the American Fisheries Act, application is made for a new fishery endorsement within fifteen (15) business days of such invalidation; or

“(B) the owner of such vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after the date of the enactment of the American Fisheries Act, and the Secretary of Com-

merce has approved, conservation and management measures in accordance with such Act to allow such vessel to be used in fisheries under such council's authority."

(b) PREFERRED MORTGAGE.—Section 31322(a) of title 46, United States Code is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3)(B) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting at the end the following new paragraph:

"(4) with respect to a vessel with a fishery endorsement that is 100 feet or greater in registered length, has as the mortgagee—

"(A) a person eligible to own a vessel with a fishery endorsement under section 12102(c) of this title;

"(B) a state or federally chartered financial institution that satisfies the controlling interest criteria of section 2(b) of the Shipping Act, 1916 (46 U.S.C. 802(b)); or

"(C) a person that complies with the provisions of section 12102(c)(4) of this title."

SEC. 203. ENFORCEMENT OF STANDARD.

(a) *EFFECTIVE DATE.*—The amendments made by section 202 shall take effect on October 1, 2001.

(b) *REGULATIONS.*—Final regulations to implement this subtitle shall be published in the Federal Register by April 1, 2000. Letter rulings and other interim interpretations about the effect of this subtitle and amendments made by this subtitle on specific vessels may not be issued prior to the publication of such final regulations. The regulations to implement this subtitle shall prohibit impermissible transfers of ownership or control, specify any transactions which require prior approval of an implementing agency, identify transactions which do not require prior agency approval, and to the extent practicable, minimize disruptions to the commercial fishing industry, to the traditional financing arrangements of such industry, and to the opportunity to form fishery cooperatives.

(c) *VESSELS MEASURING 100 FEET AND GREATER.*—

(1) *The Administrator of the Maritime Administration shall administer section 12102(c) of title 46, United States Code, as amended by this subtitle, with respect to vessels 100 feet or greater in registered length. The owner of each such vessel shall file a statement of citizenship setting forth all relevant facts regarding vessel ownership and control with the Administrator of the Maritime Administration on an annual basis to demonstrate compliance with such sec-*

tion. Regulations to implement this subsection shall conform to the extent practicable with the regulations establishing the form of citizenship affidavit set forth in part 355 of title 46, Code of Federal Regulations, as in effect on September 25, 1997, except that the form of the statement under this paragraph shall be written in a manner to allow the owner of each such vessel to satisfy any annual renewal requirements for a certificate of documentation for such vessel and to comply with this subsection and section 12102(c) of title 46, United States Code, as amended by this Act, and shall not be required to be notarized.

(2) After October 1, 2001, transfers of ownership and control of vessels subject to section 12102(c) of title 46, United States Code, as amended by this Act, which are 100 feet or greater in registered length, shall be rigorously scrutinized for violations of such section, with particular attention given to leases, charters, mortgages, financing, and similar arrangements, to the control of persons not eligible to own a vessel with a fishery endorsement under section 12102(c) of title 46, United States Code, as amended by this Act, over the management, sales, financing, or other operations of an entity, and to contracts involving the purchase over extended periods of time of all, or substantially all, of the living marine resources harvested by a fishing vessel.

(d) VESSELS MEASURING LESS THAN 100 FEET.—

The Secretary of Transportation shall establish such requirements as are reasonable and necessary to demonstrate compliance with section 12102(c) of title 46, United States Code, as amended by this Act, with respect to vessels measuring less than 100 feet in registered length, and shall seek to minimize the administrative burden on individuals who own and operate such vessels.

(e) ENDORSEMENTS REVOKED.—The Secretary of

Transportation shall revoke the fishery endorsement of any vessel subject to section 12102(c) of title 46, United States Code, as amended by this Act, whose owner does not comply with such section.

(f) PENALTY.—Section 12122 of title 46, United

States Code, is amended by inserting at the end the following new subsection:

“(c) In addition to penalties under subsections (a) and (b), the owner of a documented vessel for which a fishery endorsement has been issued is liable to the United States Government for a civil penalty of up to \$100,000 for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States, if the owner or the representative or agent

of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation with respect to the eligibility of the vessel under section 12102(c) of this title in applying for or applying to renew such fishery endorsement.”.

(g) CERTAIN VESSELS.—The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041), OCEAN PHOENIX (United States official number 296779), NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act) shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery

Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX, the vessel is used to harvest any fish.

SEC. 204. REPEAL OF OWNERSHIP SAVINGS CLAUSE.

(a) REPEAL.—Section 7(b) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12102 note) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2001.

Subtitle II—Bering Sea Pollock Fishery

SEC. 205. DEFINITIONS.

As used in this subtitle—

(1) the term “Bering Sea and Aleutian Islands Management Area” has the same meaning as the meaning given for such term in part 679.2 of title 50, Code of Federal Regulations, as in effect on October 1, 1998;

(2) the term “catcher/processor” means a vessel that is used for harvesting fish and processing that fish;

(3) the term “catcher vessel” means a vessel that is used for harvesting fish and that does not process pollock onboard;

(4) the term “directed pollock fishery” means the fishery for the directed fishing allowances allocated under paragraphs (1), (2), and (3) of section 206(b);

(5) the term “harvest” means to commercially engage in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish;

(6) the term “inshore component” means the following categories that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area:

(A) shoreside processors, including those eligible under section 208(f); and

(B) vessels less than 125 feet in length overall that process less than 126 metric tons per week in round-weight equivalents of an aggregate amount of pollock and Pacific cod;

(7) the term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(8) the term “mothership” means a vessel that receives and processes fish from other vessels in the ex-

clusive economic zone of the United States and is not used for, or equipped to be used for, harvesting fish;

(9) the term “North Pacific Council” means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G));

(10) the term “offshore component” means all vessels not included in the definition of “inshore component” that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area;

(11) the term “Secretary” means the Secretary of Commerce; and

(12) the term “shoreside processor” means any person or vessel that receives unprocessed fish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving fish for personal consumption or bait.

SEC. 206. ALLOCATIONS.

(a) POLLOCK COMMUNITY DEVELOPMENT QUOTA.—Effective January 1, 1999, 10 percent of the total allowable catch of pollock in the Bering Sea and Aleutian Islands Management Area shall be allocated as a directed fishing allowance to the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(b) *INSHORE/OFFSHORE.*—Effective January 1, 1999, the remainder of the pollock total allowable catch in the Bering Sea and Aleutian Islands Management Area, after the subtraction of the allocation under subsection (a) and the subtraction of allowances for the incidental catch of pollock by vessels harvesting other groundfish species (including under the western Alaska community development quota program) shall be allocated as directed fishing allowances as follows—

(1) 50 percent to catcher vessels harvesting pollock for processing by the inshore component;

(2) 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component; and

(3) 10 percent to catcher vessels harvesting pollock for processing by motherships in the offshore component.

SEC. 207. BUYOUT.

(a) *FEDERAL LOAN.*—Under the authority of sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and notwithstanding the requirements of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a), the Secretary shall, subject to the availability of appropriations for the cost of the direct

loan, provide up to \$75,000,000 through a direct loan obligation for the payments required under subsection (d).

(b) INSHORE FEE SYSTEM.—Notwithstanding the requirements of section 304(d) or 312 of the Magnuson-Stevens Act (16 U.S.C. 1854(d) and 1861a), the Secretary shall establish a fee for the repayment of such loan obligation which—

(1) shall be six-tenths (0.6) of one cent for each pound round-weight of all pollock harvested from the directed fishing allowance under section 206(b)(1); and

(2) shall begin with such pollock harvested on or after January 1, 2000, and continue without interruption until such loan obligation is fully repaid; and

(3) shall be collected in accordance with section 312(d)(2)(C) of the Magnuson-Stevens Act (16 U.S.C. 1861a(d)(2)(C)) and in accordance with such other conditions as the Secretary establishes.

(c) FEDERAL APPROPRIATION.—Under the authority of section 312(c)(1)(B) of the Magnuson-Stevens Act (16 U.S.C. 1861a(c)(1)(B)), there are authorized to be appropriated \$20,000,000 for the payments required under subsection (d).

(d) PAYMENTS.—Subject to the availability of appropriations for the cost of the direct loan under subsection (a) and funds under subsection (c), the Secretary shall pay by not later than December 31, 1998—

(1) up to \$90,000,000 to the owner or owners of the catcher/processors listed in paragraphs (1) through (9) of section 209, in such manner as the owner or owners, with the concurrence of the Secretary, agree, except that—

(A) the portion of such payment with respect to the catcher/processor listed in paragraph (1) of section 209 shall be made only after the owner submits a written certification acceptable to the Secretary that neither the owner nor a purchaser from the owner intends to use such catcher/processor outside of the exclusive economic zone of the United States to harvest any stock of fish (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) that occurs within the exclusive economic zone of the United States; and

(B) the portion of such payment with respect to the catcher/processors listed in paragraphs (2) through (9) of section 209 shall be

made only after the owner or owners of such catcher/processors submit a written certification acceptable to the Secretary that such catcher/processors will be scrapped by December 31, 2000 and will not, before that date, be used to harvest or process any fish; and

(2)(A) if a contract has been filed under section 210(a) by the catcher/processors listed in section 208(e), \$5,000,000 to the owner or owners of the catcher/processors listed in paragraphs (10) through (14) of such section in such manner as the owner or owners, with the concurrence of the Secretary, agree; or

(B) if such a contract has not been filed by such date, \$5,000,000 to the owners of the catcher vessels eligible under section 208(b) and the catcher/processors eligible under paragraphs (1) through (20) of section 208(e), divided based on the amount of the harvest of pollock in the directed pollock fishery by each such vessel in 1997 in such manner as the Secretary deems appropriate,

except that any such payments shall be reduced by any obligation to the federal government that has not been satisfied by such owner or owners of any such vessels.

(e) *PENALTY.*—If the catcher/processor under paragraph (1) of section 209 is used outside of the exclusive economic zone of the United States to harvest any stock of fish that occurs within the exclusive economic zone of the United States while the owner who received the payment under subsection (d)(1)(A) has an ownership interest in such vessel, or if the catcher/processors listed in paragraphs (2) through (9) of section 209 are determined by the Secretary not to have been scrapped by December 31, 2000 or to have been used in a manner inconsistent with subsection (d)(1)(B), the Secretary may suspend any or all of the federal permits which allow any vessels owned in whole or in part by the owner or owners who received payments under subsection (d)(1) to harvest or process fish within the exclusive economic zone of the United States until such time as the obligations of such owner or owners under subsection (d)(1) have been fulfilled to the satisfaction of the Secretary.

(f) *PROGRAM DEFINED; MATURITY.*—For the purposes of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), the fishing capacity reduction program in this subtitle shall be within the meaning of the term “program” as defined and used in such section. Notwithstanding section 1111(b)(4) of such Act (46 U.S.C.

App. 1279f(b)(4)), the debt obligation under subsection (a) of this section may have a maturity not to exceed 30 years.

(g) FISHERY CAPACITY REDUCTION REGULATIONS.—

The Secretary of Commerce shall by not later than October 15, 1998 publish proposed regulations to implement subsections (b), (c), (d), and (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a) and sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.

(a) CATCHER VESSELS ONSHORE.—Effective January 1, 2000, only catcher vessels which are—

(1) determined by the Secretary—

(A) to have delivered at least 250 metric tons of pollock; or

(B) to be less than 60 feet in length overall and to have delivered at least 40 metric tons of pollock,

for processing by the inshore component in the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;

(2) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and

(3) *not listed in subsection (b), shall be eligible to harvest the directed fishing allowance under section 206(b)(1) pursuant to a federal fishing permit.*

(b) *CATCHER VESSELS TO CATCHER/PROCESSORS.—Effective January 1, 1999, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:*

(1) *AMERICAN CHALLENGER (United States official number 615085);*

(2) *FORUM STAR (United States official number 925863);*

(3) *MUIR MILACH (United States official number 611524);*

(4) *NEAHKAHNIE (United States official number 599534);*

(5) *OCEAN HARVESTER (United States official number 549892);*

(6) *SEA STORM (United States official number 628959);*

(7) *TRACY ANNE (United States official number 904859); and*

(8) *any catcher vessel—*

(A) determined by the Secretary to have delivered at least 250 metric tons and at least 75 percent of the pollock it harvested in the directed pollock fishery in 1997 to catcher/processors for processing by the offshore component; and

(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary.

(c) CATCHER VESSELS TO MOTHERSHIPS.—Effective January 1, 2000, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:

(1) ALEUTIAN CHALLENGER (United States official number 603820);

(2) ALYESKA (United States official number 560237);

(3) AMBER DAWN (United States official number 529425);

(4) AMERICAN BEAUTY (United States official number 613847);

(5) CALIFORNIA HORIZON (United States official number 590758);

(6) MAR-GUN (United States official number 525608);

(7) *MARGARET LYN* (United States official number 615563);

(8) *MARK I* (United States official number 509552);

(9) *MISTY DAWN* (United States official number 926647);

(10) *NORDIC FURY* (United States official number 542651);

(11) *OCEAN LEADER* (United States official number 561518);

(12) *OCEANIC* (United States official number 602279);

(13) *PACIFIC ALLIANCE* (United States official number 612084);

(14) *PACIFIC CHALLENGER* (United States official number 518937);

(15) *PACIFIC FURY* (United States official number 561934);

(16) *PAPADO II* (United States official number 536161);

(17) *TRAVELER* (United States official number 929356);

(18) *VESTERAALEN* (United States official number 611642);

(19) *WESTERN DAWN* (United States official number 524423); and

(20) *any vessel*—

(A) *determined by the Secretary to have delivered at least 250 metric tons of pollock for processing by motherships in the offshore component of the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;*

(B) *eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and*

(C) *not listed in subsection (b).*

(d) *MOTHERSHIPS.*—*Effective January 1, 2000, only the following motherships shall be eligible to process the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:*

(1) *EXCELLENCE* (United States official number 967502);

(2) *GOLDEN ALASKA* (United States official number 651041); and

(3) *OCEAN PHOENIX* (United States official number 296779).

(e) *CATCHER/PROCESSORS*.—Effective January 1, 1999, only the following catcher/processors shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

(1) *AMERICAN DYNASTY* (United States official number 951307);

(2) *KATIE ANN* (United States official number 518441);

(3) *AMERICAN TRIUMPH* (United States official number 646737);

(4) *NORTHERN EAGLE* (United States official number 506694);

(5) *NORTHERN HAWK* (United States official number 643771);

(6) *NORTHERN JAEGER* (United States official number 521069);

(7) *OCEAN ROVER* (United States official number 552100);

(8) *ALASKA OCEAN* (United States official number 637856);

(9) *ENDURANCE* (United States official number 592206);

(10) *AMERICAN ENTERPRISE* (United States official number 594803);

(11) *ISLAND ENTERPRISE* (United States official number 610290);

(12) *KODIAK ENTERPRISE* (United States official number 579450);

(13) *SEATTLE ENTERPRISE* (United States official number 904767);

(14) *US ENTERPRISE* (United States official number 921112);

(15) *ARCTIC STORM* (United States official number 903511);

(16) *ARCTIC FJORD* (United States official number 940866);

(17) *NORTHERN GLACIER* (United States official number 663457);

(18) *PACIFIC GLACIER* (United States official number 933627);

(19) *HIGHLAND LIGHT* (United States official number 577044);

(20) *STARBOUND* (United States official number 944658); and

(21) any catcher/processor not listed in this subsection and determined by the Secretary to have harvested more than 2,000 metric tons of the pollock in the 1997 directed pollock fishery and determined to be eligible to harvest pollock in the directed pollock fish-

ery under the license limitation program recommended by the North Pacific Council and approved by the Secretary, except that catcher/processors eligible under this paragraph shall be prohibited from harvesting in the aggregate a total of more than one-half (0.5) of a percent of the pollock apportioned for the directed pollock fishery under section 206(b)(2).

Notwithstanding section 213(a), failure to satisfy the requirements of section 4(a) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12108 note) shall not make a catcher/processor listed under this subsection ineligible for a fishery endorsement.

(f) SHORESIDE PROCESSORS.—(1) Effective January 1, 2000 and except as provided in paragraph (2), the catcher vessels eligible under subsection (a) may deliver pollock harvested from the directed fishing allowance under section 206(b)(1) only to—

(A) shoreside processors (including vessels in a single geographic location in Alaska State waters) determined by the Secretary to have processed more than 2,000 metric tons round-weight of pollock in the inshore component of the directed pollock fishery during each of 1996 and 1997; and

(B) shoreside processors determined by the Secretary to have processed pollock in the inshore component of the directed pollock fishery in 1996 or 1997, but to have processed less than 2,000 metric tons round-weight of such pollock in each year, except that effective January 1, 2000, each such shoreside processor may not process more than 2,000 metric tons round-weight from such directed fishing allowance in any year.

(2) Upon recommendation by the North Pacific Council, the Secretary may approve measures to allow catcher vessels eligible under subsection (a) to deliver pollock harvested from the directed fishing allowance under section 206(b)(1) to shoreside processors not eligible under paragraph (1) if the total allowable catch for pollock in the Bering Sea and Aleutian Islands Management Area increases by more than 10 percent above the total allowable catch in such fishery in 1997, or in the event of the actual total loss or constructive total loss of a shoreside processor eligible under paragraph (1)(A).

(g) REPLACEMENT VESSELS.—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be

eligible in the same manner under that subsection as the eligible vessel, provided that—

(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed

by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.

(h) ELIGIBILITY DURING IMPLEMENTATION.—In the event the Secretary is unable to make a final determination about the eligibility of a vessel under subsection (b)(8) or subsection (e)(21) before January 1, 1999, or a vessel or shoreside processor under subsection (a), subsection (c)(21), or subsection (f) before January 1, 2000, such vessel or shoreside processor, upon the filing of an application for eligibility, shall be eligible to participate in the directed pollock fishery pending final determination by the Secretary with respect to such vessel or shoreside processor.

(i) ELIGIBILITY NOT A RIGHT.—Eligibility under this section shall not be construed—

(1) to confer any right of compensation, monetary or otherwise, to the owner of any catcher vessel, catcher/processor, mothership, or shoreside processor if such eligibility is revoked or limited in any way, including through the revocation or limitation of a fishery endorsement or any federal permit or license;

(2) *to create any right, title, or interest in or to any fish in any fishery; or*

(3) *to waive any provision of law otherwise applicable to such catcher vessel, catcher/processor, mothership, or shoreside processor.*

SEC. 209. LIST OF INELIGIBLE VESSELS.

Effective December 31, 1998, the following vessels shall be permanently ineligible for fishery endorsements, and any claims (including relating to catch history) associated with such vessels that could qualify any owners of such vessels for any present or future limited access system permit in any fishery within the exclusive economic zone of the United States (including a vessel moratorium permit or license limitation program permit in fisheries under the authority of the North Pacific Council) are hereby extinguished:

(1) *AMERICAN EMPRESS (United States official number 942347);*

(2) *PACIFIC SCOUT (United States official number 934772);*

(3) *PACIFIC EXPLORER (United States official number 942592);*

(4) *PACIFIC NAVIGATOR (United States official number 592204);*

(5) *VICTORIA ANN* (United States official number 592207);

(6) *ELIZABETH ANN* (United States official number 534721);

(7) *CHRISTINA ANN* (United States official number 653045);

(8) *REBECCA ANN* (United States official number 592205); and

(9) *BROWNS POINT* (United States official number 587440).

SEC. 210. FISHERY COOPERATIVE LIMITATIONS.

(a) *PUBLIC NOTICE.*—(1) Any contract implementing a fishery cooperative under section 1 of the Act of June 25, 1934 (15 U.S.C. 521) in the directed pollock fishery and any material modifications to any such contract shall be filed not less than 30 days prior to the start of fishing under the contract with the North Pacific Council and with the Secretary, together with a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request. Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a) or any other provision of law, but taking into account the interest of parties to any such contract in protecting the con-

fidentiality of proprietary information, the North Pacific Council and Secretary shall—

(A) make available to the public such information about the contract, contract modifications, or fishery cooperative the North Pacific Council and Secretary deem appropriate, which at a minimum shall include a list of the parties to the contract, a list of the vessels involved, and the amount of pollock and other fish to be harvested by each party to such contract; and

(B) make available to the public in such manner as the North Pacific Council and Secretary deem appropriate information about the harvest by vessels under a fishery cooperative of all species (including bycatch) in the directed pollock fishery on a vessel-by-vessel basis.

(b) CATCHER VESSELS ONSHORE.—

(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—

(A) is signed by the owners of 80 percent or more of the qualified catcher vessels that delivered pollock for processing by a shoreside processor in the directed pollock fishery in the year

prior to the year in which the fishery cooperative will be in effect; and

(B) specifies, except as provided in paragraph (6), that such catcher vessels will deliver pollock in the directed pollock fishery only to such shoreside processor during the year in which the fishery cooperative will be in effect and that such shoreside processor has agreed to process such pollock,

the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from har-

vesting in aggregate in excess of such percentage of such directed fishing allowance.

(2) *VOLUNTARY PARTICIPATION.*—*Any contract implementing a fishery cooperative under paragraph (1) must allow the owners of other qualified catcher vessels to enter into such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the qualified catcher vessels who entered into such contract upon filing.*

(3) *QUALIFIED CATCHER VESSEL.*—*For the purposes of this subsection, a catcher vessel shall be considered a “qualified catcher vessel” if, during the year prior to the year in which the fishery cooperative will be in effect, it delivered more pollock to the shoreside processor to which it will deliver pollock under the fishery cooperative in paragraph (1) than to any other shoreside processor.*

(4) *CONSIDERATION OF CERTAIN VESSELS.*—*Any contract implementing a fishery cooperative under paragraph (1) which has been entered into by the owner of a qualified catcher vessel eligible under section 208(a) that harvested pollock for processing by catcher/processors or motherships in the directed pollock fishery during 1995, 1996, and 1997 shall, to the*

extent practicable, provide fair and equitable terms and conditions for the owner of such qualified catcher vessel.

(5) OPEN ACCESS.—A catcher vessel eligible under section 208(a) the catch history of which has not been attributed to a fishery cooperative under paragraph (1) may be used to deliver pollock harvested by such vessel from the directed fishing allowance under section 206(b)(1) (other than pollock reserved under paragraph (1) for a fishery cooperative) to any of the shoreside processors eligible under section 208(f). A catcher vessel eligible under section 208(a) the catch history of which has been attributed to a fishery cooperative under paragraph (1) during any calendar year may not harvest any pollock apportioned under section 206(b)(1) in such calendar year other than the pollock reserved under paragraph (1) for such fishery cooperative.

(6) TRANSFER OF COOPERATIVE HARVEST.—A contract implementing a fishery cooperative under paragraph (1) may, notwithstanding the other provisions of this subsection, provide for up to 10 percent of the pollock harvested under such cooperative to be processed by a shoreside processor eligible under sec-

tion 208(f) other than the shoreside processor to which pollock will be delivered under paragraph (1).

(c) CATCHER VESSELS TO CATCHER/PROCESSORS.—

Effective January 1, 1999, not less than 8.5 percent of the directed fishing allowance under section 206(b)(2) shall be available for harvest only by the catcher vessels eligible under section 208(b). The owners of such catcher vessels may participate in a fishery cooperative with the owners of the catcher/processors eligible under paragraphs (1) through (20) of the section 208(e). The owners of such catcher vessels may participate in a fishery cooperative that will be in effect during 1999 only if the contract implementing such cooperative establishes penalties to prevent such vessels from exceeding in 1999 the traditional levels harvested by such vessels in all other fisheries in the exclusive economic zone of the United States.

(d) CATCHER VESSELS TO MOTHERSHIPS.—

(1) PROCESSING.—Effective January 1, 2000, the authority in section 1 of the Act of June 25, 1934 (48 Stat. 1213 and 1214; 15 U.S.C. 521 et seq.) shall extend to processing by motherships eligible under section 208(d) solely for the purposes of forming or participating in a fishery cooperative in the directed pollock fishery upon the filing of a contract to implement a fishery cooperative under subsection (a) which has

been entered into by the owners of 80 percent or more of the catcher vessels eligible under section 208(c) for the duration of such contract, provided that such owners agree to the terms of the fishery cooperative involving processing by the motherships.

(2) VOLUNTARY PARTICIPATION.—Any contract implementing a fishery cooperative described in paragraph (1) must allow the owners of any other catcher vessels eligible under section 208(c) to enter such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the catcher vessels who entered into such contract upon filing.

(e) EXCESSIVE SHARES.—

(1) HARVESTING.—No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a total of more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery.

(2) PROCESSING.—Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from processing

an excessive share of the pollock available to be harvested in the directed pollock fishery. In the event the North Pacific Council recommends and the Secretary approves an excessive processing share that is lower than 17.5 percent, any individual or entity that previously processed a percentage greater than such share shall be allowed to continue to process such percentage, except that their percentage may not exceed 17.5 percent (excluding pollock processed by catcher/processors that was harvested in the directed pollock fishery by catcher vessels eligible under 208(b)) and shall be reduced if their percentage decreases, until their percentage is below such share. In recommending the excessive processing share, the North Pacific Council shall consider the need of catcher vessels in the directed pollock fishery to have competitive buyers for the pollock harvested by such vessels.

(3) REVIEW BY MARITIME ADMINISTRATION.—At the request of the North Pacific Council or the Secretary, any individual or entity believed by such Council or the Secretary to have exceeded the percentage in either paragraph (1) or (2) shall submit such information to the Administrator of the Maritime Administration as the Administrator deems appropriate to allow the Administrator to determine whether such

individual or entity has exceeded either such percentage. The Administrator shall make a finding as soon as practicable upon such request and shall submit such finding to the North Pacific Council and the Secretary. For the purposes of this subsection, any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity.

(f) LANDING TAX JURISDICTION.—Any contract filed under subsection (a) shall include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery which is not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid shall result in a revocation of the authority to form fishery cooperatives under section 1 of the Act of June 25, 1934 (15 U.S.C. 521 et seq.).

(g) PENALTIES.—The violation of any of the requirements of this section or section 211 shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857). In addition to the

civil penalties and permit sanctions applicable to prohibited acts under section 308 of such Act (16 U.S.C. 1858), any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated a requirement of this section shall be subject to the forfeiture to the Secretary of Commerce of any fish harvested or processed during the commission of such act.

SEC. 211. PROTECTIONS FOR OTHER FISHERIES; CONSERVATION MEASURES.

(a) GENERAL.—The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

(b) CATCHER/PROCESSOR RESTRICTIONS.—

(1) GENERAL.—The restrictions in this subsection shall take effect on January 1, 1999 and shall remain in effect thereafter except that they may be superceded (with the exception of paragraph (4)) by conservation and management measures recommended after the date of the enactment of this Act by the

North Pacific Council and approved by the Secretary in accordance with the Magnuson-Stevens Act.

(2) BERING SEA FISHING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from, in the aggregate—

(A) exceeding the percentage of the harvest available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total harvest by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997;

(B) exceeding the percentage of the prohibited species available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total of the prohibited species harvested by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount of prohibited species available to be

harvested by the offshore component in the fishery in 1995, 1996, and 1997; and

(C) fishing for Atka mackerel in the eastern area of the Bering Sea and Aleutian Islands and from exceeding the following percentages of the directed harvest available in the Bering Sea and Aleutian Islands Atka mackerel fishery—

(i) 11.5 percent in the central area;

and

(ii) 20 percent in the western area.

(3) BERING SEA PROCESSING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—

(A) processing any of the directed fishing allowances under paragraphs (1) or (3) of section 206(b); and

(B) processing any species of crab harvested in the Bering Sea and Aleutian Islands Management Area.

(4) GULF OF ALASKA.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—

(A) harvesting any fish in the Gulf of Alaska;

(B) processing any groundfish harvested from the portion of the exclusive economic zone off Alaska known as area 630 under the fishery management plan for Gulf of Alaska groundfish; or

(C) processing any pollock in the Gulf of Alaska (other than as bycatch in non-pollock groundfish fisheries) or processing, in the aggregate, a total of more than 10 percent of the cod harvested from areas 610, 620, and 640 of the Gulf of Alaska under the fishery management plan for Gulf of Alaska groundfish.

(5) FISHERIES OTHER THAN NORTH PACIFIC.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) and motherships eligible under section 208(d) are hereby prohibited from harvesting fish in any fishery under the authority of any regional fishery management council established under section 302(a) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)) other than the North Pacific Council, except for the Pacific whiting fishery, and from processing fish in any fishery under the authority of any such regional fishery management council other than the North Pacific Council, except in the Pacific whiting fishery, unless the catcher/processor or mothership

is authorized to harvest or process fish under a fishery management plan recommended by the regional fishery management council of jurisdiction and approved by the Secretary.

(6) OBSERVERS AND SCALES.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) shall—

(A) have two observers onboard at all times while groundfish is being harvested, processed, or received from another vessel in any fishery under the authority of the North Pacific Council; and

(B) weigh its catch on a scale onboard approved by the National Marine Fisheries Service while harvesting groundfish in fisheries under the authority of the North Pacific Council.

This paragraph shall take effect on January 1, 1999 for catcher/processors eligible under paragraphs (1) through (20) of section 208(e) that will harvest pollock allocated under section 206(a) in 1999, and shall take effect on January 1, 2000 for all other catcher/processors eligible under such paragraphs of section 208(e).

(c) CATCHER VESSEL AND SHORESIDE PROCESSOR RESTRICTIONS.—

(1) *REQUIRED COUNCIL RECOMMENDATIONS.—*

By not later than July 1, 1999, the North Pacific Council shall recommend for approval by the Secretary conservation and management measures to—

(A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery; and

(B) protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery.

If the North Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the North Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation restrict or change the authority in section 210(b) to the extent the Secretary deems appropriate, including by preventing fishery cooperatives from being formed pursuant to such section and by providing

greater flexibility with respect to the shoreside processor or shoreside processors to which catcher vessels in a fishery cooperative under section 210(b) may deliver pollock.

(2) BERING SEA CRAB AND GROUND FISH.—

(A) Effective January 1, 2000, the owners of the motherships eligible under section 208(d) and the shoreside processors eligible under section 208(f) that receive pollock from the directed pollock fishery under a fishery cooperative are hereby prohibited from processing, in the aggregate for each calendar year, more than the percentage of the total catch of each species of crab in directed fisheries under the jurisdiction of the North Pacific Council than facilities operated by such owners processed of each such species in the aggregate, on average, in 1995, 1996, 1997. For the purposes of this subparagraph, the term “facilities” means any processing plant, catcher/processor, mothership, floating processor, or any other operation that processes fish. Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the

other individual or entity for the purposes of this subparagraph.

(B) Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from harvesting or processing an excessive share of crab or of groundfish in fisheries in the Bering Sea and Aleutian Islands Management Area.

(C) The catcher vessels eligible under section 208(b) are hereby prohibited from participating in a directed fishery for any species of crab in the Bering Sea and Aleutian Islands Management Area unless the catcher vessel harvested crab in the directed fishery for that species of crab in such Area during 1997 and is eligible to harvest such crab in such directed fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary. The North Pacific Council is directed to recommend measures for approval by the Secretary to eliminate latent licenses under such program, and nothing in this subparagraph

shall preclude the Council from recommending measures more restrictive than under this paragraph.

(3) FISHERIES OTHER THAN NORTH PACIFIC.—

(A) By not later than July 1, 2000, the Pacific Fishery Management Council established under section 302(a)(1)(F) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(F)) shall recommend for approval by the Secretary conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act or by any fishery cooperatives in the directed pollock fishery.

(B) If the Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific

groundfish, and restrictions on the number of processors eligible to process Pacific groundfish.

(d) BYCATCH INFORMATION.—Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a), the North Pacific Council may recommend and the Secretary may approve, under such terms and conditions as the North Pacific Council and Secretary deem appropriate, the public disclosure of any information from the groundfish fisheries under the authority of such Council that would be beneficial in the implementation of section 301(a)(9) or section 303(a)(11) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(9) and 1853(a)(11)).

(e) COMMUNITY DEVELOPMENT LOAN PROGRAM.—Under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), and subject to the availability of appropriations, the Secretary is authorized to provide direct loan obligations to communities eligible to participate in the western Alaska community development quota program established under 304(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)) for the purposes of purchasing all or part of an ownership interest in vessels and shoreside processors eligible under subsections (a), (b), (c), (d), (e), or (f) of section 208. Notwithstanding the eligibility criteria in section 208(a) and section 208(c), the LISA MARIE (United States official number 1038717)

shall be eligible under such sections in the same manner as other vessels eligible under such sections.

SEC. 212. RESTRICTION ON FEDERAL LOANS.

Section 302(b) of the Fisheries Financing Act (46 U.S.C. 1274 note) is amended—

(1) by inserting “(1)” before “Until October 1, 2001”; and

(2) by inserting at the end the following new paragraph:

“(2) No loans may be provided or guaranteed by the Federal Government for the construction or rebuilding of a vessel intended for use as a fishing vessel (as defined in section 2101 of title 46, United States Code), if such vessel will be greater than 165 feet in registered length, of more than 750 gross registered tons, or have an engine or engines capable of producing a total of more than 3,000 shaft horsepower, after such construction or rebuilding is completed. This prohibition shall not apply to vessels to be used in the menhaden fishery or in tuna purse seine fisheries outside the exclusive economic zone of the United States or the area of the South Pacific Regional Fisheries Treaty.”.

SEC. 213. DURATION.

(a) *GENERAL.*—*Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of the enactment of this Act. Sections 206, 208, and 210 shall remain in effect until December 31, 2004, and shall be repealed on such date, except that the North Pacific Council may recommend and the Secretary may approve conservation and management measures as part of a fishery management plan under the Magnuson-Stevens Act to give effect to the measures in such sections thereafter.*

(b) *EXISTING AUTHORITY.*—*Except for the measures required by this subtitle, nothing in this subtitle shall be construed to limit the authority of the North Pacific Council or the Secretary under the Magnuson-Stevens Act.*

(c) *CHANGES TO FISHERY COOPERATIVE LIMITATIONS AND POLLOCK CDQ ALLOCATION.*—*The North Pacific Council may recommend and the Secretary may approve conservation and management measures in accordance with the Magnuson-Stevens Act—*

(1) *that supersede the provisions of this title, except for sections 206 and 208, for conservation purposes or to mitigate adverse effects in fisheries or on owners of fewer than three vessels in the directed pollock fishery caused by this title or fishery cooperatives in the directed pollock fishery, provided such measures*

take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery;

(2) that supersede the allocation in section 206(a) for any of the years 2002, 2003, and 2004, upon the finding by such Council that the western Alaska community development quota program for pollock has been adversely affected by the amendments in this title; or

(3) that supersede the criteria required in paragraph (1) of section 210(b) to be used by the Secretary to set the percentage allowed to be harvested by catcher vessels pursuant to a fishery cooperative under such paragraph.

(d) REPORT TO CONGRESS.—Not later than October 1, 2000, the North Pacific Council shall submit a report to the Secretary and to Congress on the implementation and effects of this Act, including the effects on fishery conservation and management, on bycatch levels, on fishing communities, on business and employment practices of participants in any fishery cooperatives, on the western Alaska community development quota program, on any fisheries outside of the authority of the North Pacific

Council, and such other matters as the North Pacific Council deems appropriate.

(e) REPORT ON FILLET PRODUCTION.—Not later than June 1, 2000, the General Accounting Office shall submit a report to the North Pacific Council, the Secretary, and the Congress on the whether this Act has negatively affected the market for fillets and fillet blocks, including through the reduction in the supply of such fillets and fillet blocks. If the report determines that such market has been negatively affected, the North Pacific Council shall recommend measures for the Secretary's approval to mitigate any negative effects.

(f) SEVERABILITY.—If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) INTERNATIONAL AGREEMENTS.—In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or

mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. The provisions of section 12102(c) and section 31322(a) of title 46, United States Code, as amended by this Act, shall apply to all subsequent owners and mortgagees of such vessel, and shall apply, notwithstanding the preceding sentence, to the owner on October 1, 2001 of such vessel if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity after such date.

TITLE III—DENALI COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the “Denali Commission Act of 1998”.

SEC. 302. PURPOSES.

The purposes of this title are as follows:

- (1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.*
- (2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).*

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 020703A]

Proposed Information Collection; Comment Request; American Fisheries Act, Vessel and Processor Permit Applications

AGENCY: National Oceanic and Atmospheric Administration (NOAA).
ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 14, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden at 907-586-7228, or at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The American Fisheries Act (AFA) established an allocation program for the pollock fishery of the Bering Sea and Aleutian Islands Management Area (BSAI). Under the AFA, only vessels and processors that meet specific qualifying criteria are eligible to fish for and process pollock in the BSAI. The BSAI pollock quota is suballocated to groups of vessel owners who form fishing vessel cooperatives under the AFA.

All AFA vessel and processor permits have no expiration date and will remain valid indefinitely unless revoked by NMFS. Inshore catcher vessel cooperatives wishing to receive an allocation of the BSAI inshore pollock Total Allowable Catch (TAC) are required to submit an application for an inshore cooperative fishing permit on an annual basis by December 1 of the year prior to the year in which the

cooperative fishing permit will be in effect. The information must be collected once a year because NMFS must identify the universe of participating vessels and processors prior to the start of each fishing year in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives.

II. Method of Collection

Paper forms are used.

III. Data

OMB Number: 0648-0393.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 20.

Estimated Time Per Response: 2 hours for an application for an AFA catcher vessel permit; 30 minutes for application for an AFA Permit for Replacement Vessel; 2 hours for application for an AFA Inshore Catcher Vessel Cooperative Permit; 2 hours for an application for an AFA mothership permit; and 2 hours for an application for an AFA inshore processor permit.

Estimated Total Annual Burden Hours: 39.

Estimated Total Annual Cost to Public: \$59.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 5, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-3495 Filed 2-11-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 020703B]

Proposed Information Collection; Comment Request; Highly Migratory Species Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).
ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 14, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dianne Stephan, phone 978/281-9397; Highly Migratory Species Division, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.). NOAA must collect information from dealers to monitor the import and export of bigeye tuna and swordfish in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bigeye tuna and swordfish to discourage illegal, unregulated and unreported fishing activities as well as further understanding of catches and international trade for these species.